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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

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SUBDIVISION REVIEW BOARD

MEETING DATE August 7, 2006	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Village at Nipomo, LLC	FILE NO. CO 06-0037 SUB2005-00135
SUBJECT Request by Village at Nipomo LLC for Vesting Tentative Parcel Map CO 06-0037 and Conditional Use Permit to allow for 1) subdivision of an existing 3.62 acre parcel into five commercial parcels ranging in size from 0.22 acres to 1.37 acres each, and include an extension of Mary Avenue; and 2) establishment of five commercial buildings on the proposed parcels for a total 37,948 square feet of retail and restaurant floor area, which will result in the disturbance of the entire parcel. The division will create an on-site road. The proposed road name is: Mary Avenue. The proposed project is within the Commercial Retail land use category and is located at 601 W. Tefft Street, at the southeast and southwest corners of the intersection of W. Tefft Street and Mary Avenue in the community of Nipomo. The site is in the South County (Inland) planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Parcel Map CO 06-0037 and Conditional Use Permit based on the findings listed in Exhibits A and C and the conditions listed in Exhibits B and D.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 6, 2006 for this project. Mitigation measures are proposed to address air quality, geology and soils, noise, public services and utilities, transportation and circulation, and water, and are included as conditions of approval.			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-130-062, 020	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Sec. 22.112.020 – South County Areawide Standards. Circulation, transit-oriented development. Sec. 22.112.080 – Nipomo Urban Area Standards, communitywide. Connection to sewer. Sec. 22.112.080.C.1 – Commercial Retail, central business district permits, visitor-serving priority area Does the project conform to the Planning Area Standards – Yes, see discussion			
LAND USE ORDINANCE STANDARDS: Ch. 22.10 – Development Standards (Lighting, fencing, screening, density, setbacks) Ch. 22.16 – Landscaping Ch. 22.18 – Parking Sec. 22.22.060 – Commercial Retail Subdivision Design			
EXISTING USES: Two commercial buildings, three residences			
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Retail / commercial use South: Residential Multi-Family / vacant East: Commercial Retail / commercial use West: Commercial Retail and Residential Multi-Family / commercial use and undeveloped			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: South County Advisory Group, Public Works, Environmental Health, County Parks, CDF, Nipomo Community Services District, APCD, Cal Trans, RWQCB, Regional Transportation Planning Agency	
TOPOGRAPHY: Gently sloping	VEGETATION: Grasses, ornamental landscaping
PROPOSED SERVICES: Water supply: NCSD Sewage Disposal: NCSD Fire Protection: CDF	ACCEPTANCE DATE: May 15, 2006

ORDINANCE COMPLIANCE:

Minimum Parcel Size and Development Standards

22.22.090 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Commercial and Office land use categories. The standards are based on the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square-foot parcels (projects having both community water and sewer). Sections 22.10, 16, and 18 of the Land Use Ordinance establish Development Standards. The proposed Parcel Map and Conditional Use Permit meet all requirements as follows:

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Setbacks Front Side Rear	May be set by map with minimum of 10 feet between all structures	Minimum of 10 feet between all structures; Front, Side, Rear - Variable, minimum 0 feet
Height	45 feet	Approx. 35 feet
Parking	Retail 121 spaces (1 car/300 sq. ft.) Restaurant 18 spaces (1 car/100 sq. ft. kitchen) Total Required 139 spaces	Total Provided 162 spaces
Landscaping	Landscaping Plan required	Preliminary landscaping plan provided
Fencing/Screening	Fencing/Screening Plan required	Preliminary fencing/screening plan provided

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

County Ordinance 2529 establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

PROJECT DESCRIPTION:

The proposed project is a Conditional Use Permit and Vesting Tentative Parcel Map to subdivide an existing 3.62 acre parcel into five commercial parcels ranging in size from 0.22 acres to 1.37 acres. The proposal includes a total of 37,948 square feet of commercial retail space in five commercial buildings, including an 1,800 square foot fast-food type restaurant (Building pad "F").

Site Design. Proposed site development is designed around the extension of Mary Avenue, an important collector extension for the overall circulation of the community of Nipomo. County Public Works considers Mary Avenue a crucial link between W. Tefft Street and Hill Street, a collector street that will provide future access to Highway 101 via a southbound hook ramp. The site presented particular challenges to development, and the applicant has worked with staff to develop a favorable project. Due to the bisecting of the property by Mary Avenue and the adjacent Residential Multi-Family land use category to the west, proposed buildings are located in a linear fashion with parking along Mary Avenue to buffer residential land to the west from retail activities. The parking lot locations present a less desirable design alternative than parking to the rear and side; however, staff feels that the site constraints warrant such a design.

Architecture. Buildings are proposed in a one-story linear fashion along Mary Avenue, with parking areas to the front of the buildings. The architectural style of the project is Early California, with clay tile roofing, plaster exterior, fabric awnings, wood trellises, and areas of stone veneer. The one-story buildings are approximately 25 feet in height, with tower elements extending up to 35 feet.

PLANNING AREA STANDARDS:

Section 22.12.020 Areawide Standards

22.12.020.A.2 – Groundwater recharge areas. New development shall incorporate natural drainage systems to aid groundwater recharge.

22.12.020.C – Circulation Planning:

1. Public right-of-way dedications – Land divisions shall provide offers of dedication for public streets, bikeways and pathways.
2. Pathways in new land divisions – Land divisions that propose public pathways adjacent to a road may utilize gross acreage to calculate allowable number of parcels.
3. Traffic noise mitigation – Noise sensitive land uses shall be reviewed for potential impacts.
4. Transit-oriented standards – Conditional Use Permits and land divisions shall provide design and site development consistent with transit-oriented standards, including:
 - a. Pedestrian access to a bus stop for developments of 20 or more housing units.
 - b. Employment centers shall provide one shelter and bus stop pullout within ¼ mile and pedestrian access to the facility.
 - c. Transit facilities shall be integrated into new development when possible.
 - d. On-site services are encouraged, including child-care, banks, cafes, pharmacies, and convenience stores

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As conditioned, the project meets these standards. The project includes underground retention basins for stormwater collection. Mary Avenue, W. Tefft Street, Hill Street, and a future unnamed east-west local street will be dedicated to county standards, which provide sufficient width for street and pathway improvements. No noise-sensitive uses, such as residences, are proposed within the project, and future noise impacts from Mary Avenue on residential land to the west will be buffered by proposed buildings. As an employment center, the project will provide pedestrian access via Mary Avenue to the bus facilities along W. Tefft Street. Future uses for the buildings have not been determined; on-site service type uses have been encouraged.

Section 22.112.080 Nipomo Urban Area Standards

22.112.080.A – Community-wide standards:

1. Connection to community sewers.

As proposed, the project meets the standard for sewer. Community sewer is anticipated through the Nipomo Community Services District.

Section 22.112.080 Commercial Retail Standards

22.112.080.C – Commercial Retail:

1. Central Business District
 - a. Permit Requirement – Minor Use Permit requirement for all new construction where a land use permit except where a CUP is otherwise required.
 - b. Visitor-serving priority area –Visitor serving uses are encouraged around the Tefft St./Highway 101 interchange, particularly restaurants, grocery stores, gas stations, financial services, hotels and motels, personal services, and transit stations.

As conditioned, the project meets these standards. The application includes a Conditional Use Permit with a Tentative Parcel Map. Visitor-serving uses have been encouraged, and the project includes a restaurant on proposed building pad "F".

OTHER ISSUES:

West Tefft Corridor Design Plan

The West Tefft Corridor Design Plan has been drafted for public review and comment. The plan is proposed to be a part of the County General Plan and Land Use Ordinance, and is intended to guide the design and development of projects within the planning area. The proposed extension of Mary Avenue and the local east-west street, as well as improvements to W. Tefft and Hill Street, provide a significant piece to the overall circulation plan envisioned in the design plan. However, due to the location of the Mary Avenue extension and the width of the property, staff and the applicant were unable to incorporate some aspects of the West Tefft Corridor Design Plan, including street-fronting buildings with parking to the rear or side. Despite these shortcomings, the proposed project meets other elements of the design plan where applicable. The project is pedestrian-friendly, with walkway connections as envisioned in the design plan. Streetscape features of wide sidewalks, landscaping, gathering spaces, and public art have been incorporated in the project as amenities.

COMMUNITY ADVISORY GROUP COMMENTS: The South County Advisory Group, at their regularly scheduled meeting on March 27, 2006, voted to support the Village at Nipomo project

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as presented. The SCAC commended the one-story profile with landscaping and recommended that the future street be a landscaped walkway (paseo).

AGENCY REVIEW:

Public Works - Recommend approval with conditions.

Environmental Health - Applicant has provided preliminary evidence of water and sewer. Abandoned well shall be destroyed prior to map recordation.

CDF - See attached fire safety letter dated December 20 ,2005.

Nipomo Community Services District – See attached intent-to-serve letter.

APCD - Includes recommendations for dust control, demolition, developmental burning, naturally-occurring asbestos, and operational permit requirements.

Cal Trans – Concerns with level of service. Recommends traffic impact study.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 6, 2006 for this project. Mitigation measures are proposed to address air quality, geology and soils, noise, public services and utilities, transportation and circulation, and water, and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Commercial Retail land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of commercial retail uses.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support commercial retail uses.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, noise, public services and utilities, transportation and circulation, and water are required..
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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EXHIBIT B

CONDITIONS OF APPROVAL FOR SUB2005-00135 (Village at Nipomo LLC)

Approved Project

1. A Vesting Tentative Parcel Map CO 06-0037 and Conditional Use Permit to allow for 1) subdivision of an existing 3.62 acre parcel into five commercial parcels ranging in size from 0.22 acres to 1.37 acres each, and include an extension of Mary Avenue; and 2) establishment of five commercial buildings on the proposed parcels for a total 37,948 square feet of retail and restaurant floor area, which will result in the disturbance of the entire parcel.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Tefft Street widened to complete an A-2 urban section fronting the property together with the relocation and reconstruction of the signalization at Mary Avenue to be setback within a dedicated right-of-way to fit the improvements.
 - b. Mary Avenue constructed to an A-2 urban section fronting the property within a 78 foot and 66 foot dedicated right-of-way as shown on the Tentative Map. The Mary Avenue extension will be constructed with two travel lanes, center median, and left-turn pockets, and two bike lanes per the preliminary design as delineated on the plan of the VILLAGE AT NIPOMO – TEFFT AVENUE AND MARY AVENUE prepared by Leidenfrost / Horowitz & Associates dated June 23, 2005. The project will construct Mary Avenue extension between Tefft Street and Hill Street. The cost of improvements of the asphalt roadway and appropriate base material will be constructed subject to a reimbursement agreement between the subdivider and the County.
 - c. Proposed unnamed street between Lots 3 and 4 constructed to an A-2 urban section within a minimum 50 foot dedicated right-of-way from Mary Avenue to the westerly boundary including County Standard barricade.
 - d. Hill Street widened to complete an A-2 urban section fronting the property within a dedicated right-of-way described as 33 feet from the existing centerline of the 45 foot wide street.
 - e. The intersection of Mary Avenue and Hill Street be designed in accordance with California Highway Design Manual to have a through road going southerly on Mary Avenue through a 150-foot radius curved centerline continuous to the centerline of Hill Street north-easterly, and the intersection with Hill Street westerly to be a minor road with a centerline radial to the through road terminating with STOP signage at the through road.

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- f. The intersection of Mary Avenue and Hill Street will be constructed with a temporary "tee" intersection. Asphalt improvements may be installed in lieu of concrete for that portion of the intersection that will be subject to the future realignment.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20-foot foot radius property line return at the intersection of all streets.
4. All driveways shall be constructed in accordance with County Standard Improvement Specification and Drawings. All driveways constructed on county roads require an encroachment permit.

Improvement Plans

5. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
7. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

8. Submit complete drainage calculations to the Department of Public Works for review and approval.
9. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards.

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10. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. granted to the public in fee free of any encumbrance.
 - b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
 - c. reserved as a drainage easement in favor of the owners and assigns.

Utilities

11. Electric and telephone lines shall be installed underground.
12. Cable T.V. conduits shall be installed in the street.
13. Gas lines shall be installed.

Design

14. The existing structures on the proposed lots be removed or brought into conformance with the Land Use Ordinance prior to filing the final parcel or tract map. A demolition permit may be required.
15. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Vector Control and Solid Waste

16. A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

17. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
18. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.
19. The water wells within Mary Avenue shall be abandoned according to the requirements of the California Department of Health prior to map recordation.
20. **Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

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Additional Map Sheet

21. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. If a drainage basin is required, that the owner(s) is responsible for on-going maintenance of drainage basin in a viable condition on a continuing basis into perpetuity.
 - b. All driveways shall be constructed in accordance with County Standard Improvement Specifications and Drawings. All driveways constructed on county roads require an encroachment permit.
 - c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - d. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated December 20, 2005 from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
 - e. The limits of inundation from a 100 year storm over all lots shall be shown on the additional map sheet and note the required building restriction on the sheet.
 - f. "Naturally-occurring asbestos" has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slcleanair.org/business/asbestos.asp>)
 - g. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
 - i. Reduce the amount of the disturbed area where possible;
 - ii. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water

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- should be used whenever possible;
 - iii. All dirt stock-pile areas should be sprayed daily as needed;
 - iv. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
 - v. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - vi. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - vii. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - viii. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - ix. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - x. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
 - xi. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - xii. All construction equipment be properly maintained and tuned according to manufacturer's specifications.
 - xiii. All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with ARB motor vehicle diesel fuel; and
 - xiv. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;
- h. **Prior to issuance of construction permit**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.
- i. **At the time of application for construction permits**, the applicant shall show the following on the project plans: The parapet height on Buildings "J" and "K" as shown on the attached elevations shall be a minimum of 24 feet in height on the west side of each building. The parapet height on Buildings "J" and "K" shall also be a minimum of 24 feet in height on the north and south sides of the buildings for a length of 20 linear feet.

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- j. **Prior to final inspection**, the following measures shall be applied to the proposed turf areas:
 - a. To maximize drought-tolerance and minimize water usage, warm season grasses (excludes bermuda grass) such as buffalo grass, shall be used;
 - b. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
 - c. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently;
- k. **Prior to final inspection of construction permit**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, all irrigation shall employ low water use techniques (e.g., drip irrigation).

Covenants, Conditions and Restrictions

- 22. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. If a drainage basin is required, on-going maintenance of drainage basin in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of common areas.
 - c. Maintenance of all local streets within the subdivision until acceptance by a public agency.
 - d. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

- 23. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 24. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- 25. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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FINDINGS - EXHIBIT C

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 6, 2006 for this project. Mitigation measures are proposed to address air quality, geology and soils, noise, public services and utilities, transportation and circulation, and water, and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the commercial retail project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because commercial retail project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Mary Avenue, W. Tefft Street, and Hill Street, roads which will be constructed to a level able to handle any additional traffic associated with the project.

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EXHIBIT D - CONDITIONS OF APPROVAL

Conditional Use Permit SUB2005-00135

Approved Development

1. This approval authorizes
 - a. construction of five commercial buildings and associated parking and landscaping areas for a total 37,948 square feet of retail and restaurant floor area.
 - b. maximum height is 35 from average natural grade.
2. Proposed specific uses of the structures shall be subject to review and approval of the change in building occupancy by the Building Division of the Department of Planning and Building prior to issuance of a business license. Proposed uses shall also be subject to the review and approval of the Department of Planning and Building to determine conformity with applicable planning area standards, Land Use Ordinance requirements, and conditions of this approval.

Subdivision Related Approvals

3. This approval authorizes a Conditional Use Permit/land division of a 3.62 acre parcel into five commercial parcels ranging in size from 0.22 acres to 1.37 acres each, consistent with the Tentative Parcel Map CO 06-0037.
4. This approval is effective for a period of 24 months from the date of the approval of the tentative map by the Planning Commission. Conditional Use time extensions shall run concurrently with the Tentative Map time extensions thereafter, until expiration of the Tentative Map. Time extensions for the Tentative Map must be requested by the applicant or agent and are subject to further review.
5. Any significant revisions in the Tentative Map not authorized by this approval shall require reconsideration by the Planning Commission.

Conditions required to be completed at the time of application for construction permits

Site Development

6. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
7. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that

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neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

8. **At the time of application for construction permits**, the applicant shall show the following on the project plans:
 - a. The parapet height on Buildings "J" and "K" as shown on the attached elevations shall be a minimum of 24 feet in height on the west side of each building. The parapet height on Buildings "J" and "K" shall also be a minimum of 24 feet in height on the north and south sides of the buildings for a length of 20 linear feet.

Fire Safety

9. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated December 20, 2006.

Services

10. **At the time of application for construction permits**, the applicant shall provide a letter from the Nipomo Community Services District stating they are willing and able to service the property.

Grading, Drainage, Sedimentation and Erosion Control

11. **At the time of application for construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:
 - a. Limits of the 100 year flood inundation and any other flood hazard combining designation information.
 - b. Complete drainage calculations for county Public Works review and approval.
 - c. Detention of drainage in an on-site basin designed in accordance with county standards and approved by the county Public Works.
 - d. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
 - e. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
 - f. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
 - g. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.

5-16

Conditions to be completed prior to issuance of a construction permit

Fees

12. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Grading, Drainage, Sedimentation and Erosion Control

13. **Prior to issuance of construction permits**, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.

Other Agency Review

14. Site and building plans/water storage shall be reviewed by the following agencies. Provide the Department of Planning and Building with letter or other verification that these agencies have reviewed the project, together with any requirements imposed **prior to issuance of a building permit**:
- a. County Fire Department (CDF)
 - b. County Health Department
 - c. County Air Pollution Control District
 - d. Regional Water Quality Control Board
15. As required by county Public Works, a county road use reimbursement agreement with that department shall be executed **prior to issuance of grading or building permits**.
16. The following road improvements shall be constructed under an inspection and checking agreement and encroachment permit issued by the county Engineering Department to be completed or bonded for **prior to issuance of a building permit**.
- a. Tefft Street widened to complete an A-2 urban section fronting the property together with the relocation and reconstruction of the signalization at Mary Avenue to be setback within a dedicated right-of-way to fit the improvements.
 - b. Mary Avenue constructed to an A-2 urban section fronting the property within a 78 foot and 66 foot dedicated right-of-way as shown on the Tentative Map. The Mary Avenue extension will be constructed with two travel lanes, center median, and left-turn pockets, and two bike lanes per the preliminary design as delineated on the plan of the VILLAGE AT NIPOMO – TEFFT AVENUE AND MARY AVENUE prepared by Leidenfrost / Horowitz & Associates dated June 23, 2005. The project will construct Mary Avenue extension between Tefft Street and Hill Street. The cost of improvements of the asphalt roadway and appropriate base material will be constructed subject to a reimbursement agreement between the subdivider and the County.
 - c. The water wells within Mary Avenue shall be abandoned according to the requirements of the California Department of Health prior to map recordation.
 - d. Proposed unnamed street between Lots 3 and 4 constructed to an A-2 urban section within a minimum 50 foot dedicated right-of-way from Mary Avenue to the westerly boundary including County Standard barricade.

5-17

- e. Hill Street widened to complete an A-2 urban section fronting the property within a dedicated right-of-way described as 33 feet from the existing centerline of the 45 foot wide street.
 - f. The intersection of Mary Avenue and Hill Street be designed in accordance with California Highway Design Manual to have a through road going southerly on Mary Avenue through a 150-foot radius curved centerline continuous to the centerline of Hill Street north-easterly, and the intersection with Hill Street westerly to be a minor road with a centerline radial to the through road terminating with STOP signage at the through road.
 - g. The intersection of Mary Avenue and Hill Street will be constructed with a temporary "tee" intersection. Asphalt improvements may be installed in lieu of concrete for that portion of the intersection that will be subject to the future realignment.
17. Improvement and other plans shall be prepared in accordance with the San Luis Obispo County Standard Improvement Specifications and drawings by a registered civil engineer and submitted to county Public Works for review and approval under inspection and checking agreements. The applicant's engineer, upon completion of the improvements, must certify to county Public Works that the improvements are made in accordance with the approved plans.
18. Obtain an encroachment permit from county Public Works for work to be done within the county right-of-way **prior to issuance of a building permit.**
19. "Naturally-occurring asbestos" has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>)
20. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;

5-18

- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - l. All construction equipment be properly maintained and tuned according to manufacturer's specifications.
 - m. All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with ARB motor vehicle diesel fuel; and
 - n. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;
21. Prior to issuance of construction permit, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.
22. **Prior to issuance of grading permits**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

**Conditions to be completed prior to occupancy or final building inspection
/establishment of the use**

23. **Prior to final inspection**, the following measures shall be applied to the proposed turf areas:
- a. To maximize drought-tolerance and minimize water usage, warm season grasses (excludes bermuda grass) such as buffalo grass, shall be used;

5-19

- b. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
 - c. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently;
24. **Prior to final inspection of construction permit**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, all irrigation shall employ low water use techniques (e.g., drip irrigation).
25. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for **prior to final building inspection of any structure**. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
26. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
27. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Grading, Drainage, Sedimentation and Erosion Control

28. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices **prior to final building inspection**.

Road Improvements

29. Provide county Public Works with an offer of dedication for all immediate road improvements identified in Vesting Tentative Parcel Map CO 06-0037. Offers of dedication shall be by separate document and shall be recorded **prior to final building inspection**.

On-going conditions of approval (valid for the life of the project)

30. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
31. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

5-20

STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

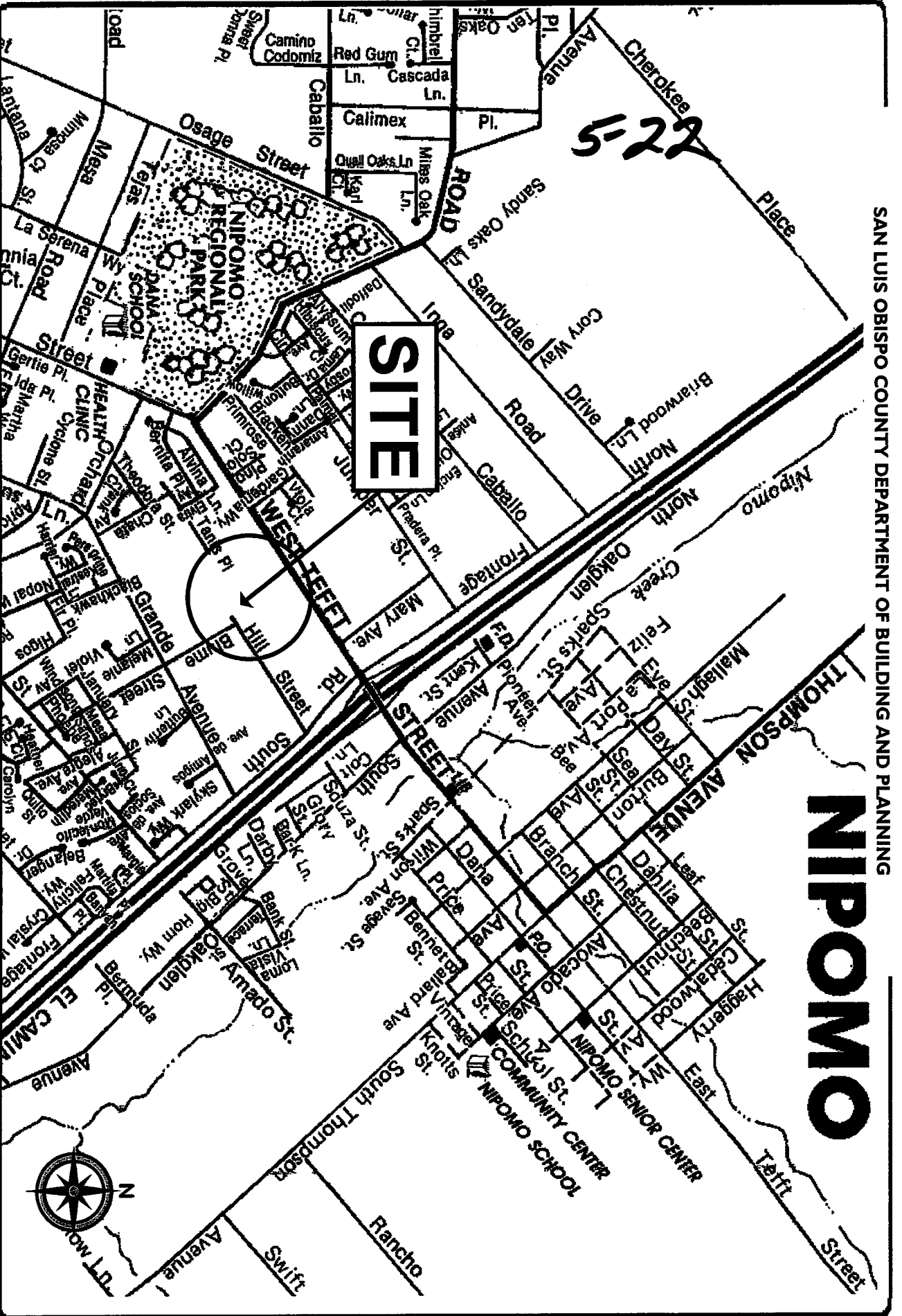
1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

5-21

12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by Kami Griffin
and reviewed by Brian Pedrotti

NIPOMO



PROJECT

Parcel Map CO 06-0037
Village at Nipomo SUB2005-00135

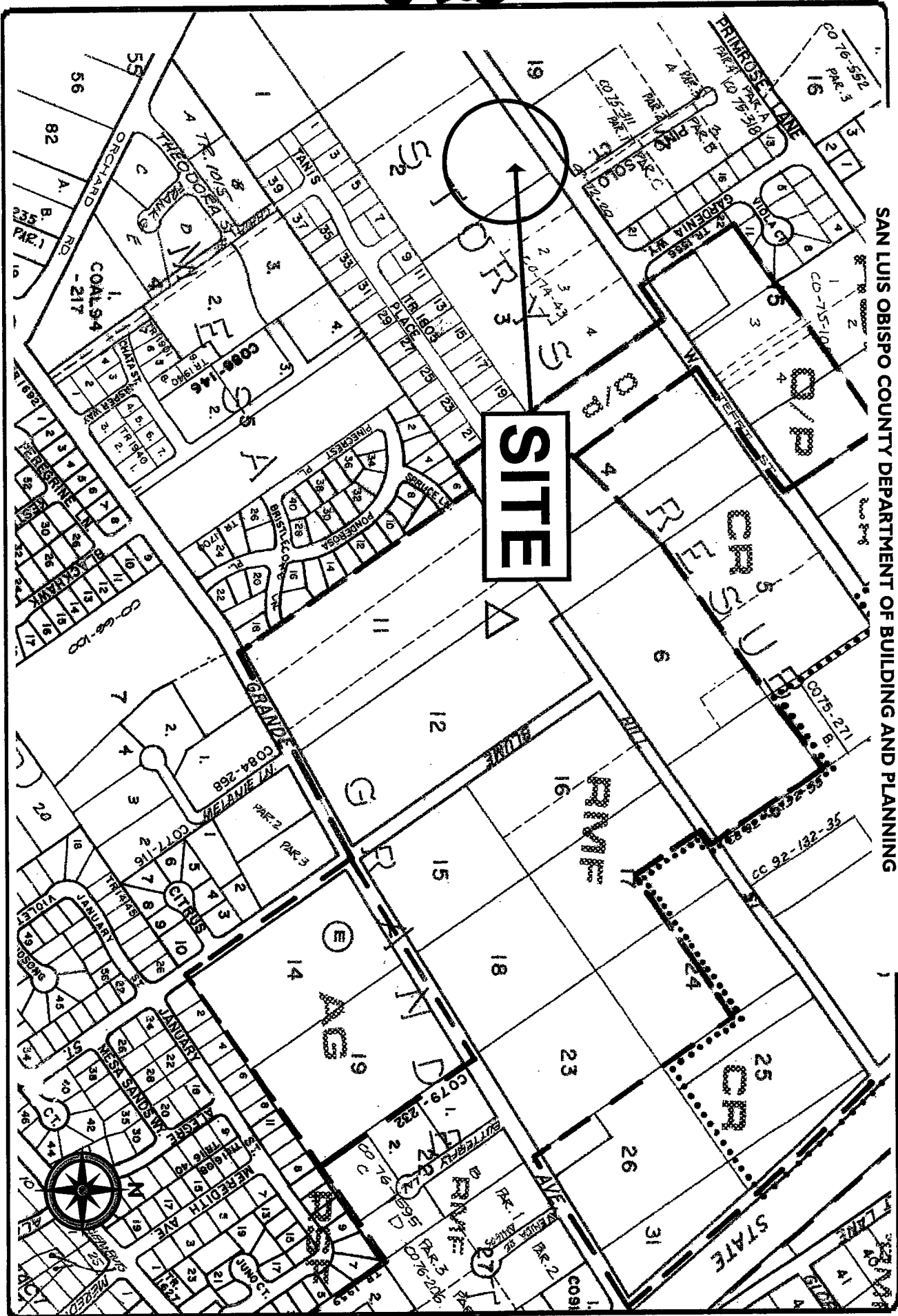


EXHIBIT

Nipomo Vicinity

5-23

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Parcel Map CO 06-0037
Village at Nipomo SUB2005-00135

EXHIBIT

Land Use Category Map

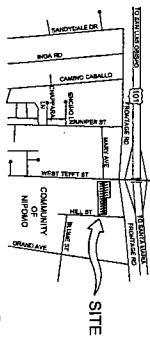


5-24

TEFFT STREET

MARY AVE

VICINITY MAP



SITE

PROJECT DATA

1. PROJECT ADDRESS: SOUTH OF TEFFT STREET AND MARY AVENUE INTX.
2. PROJECT NO.: 06-0037
3. ZONING: COMMERCIAL, GENERAL, RETAIL, WITHIN THE
4. COMMUNITY PLAN AREA: INLAND COUNTY PLANNING AREA
5. COMMUNITY SERVICES DISTRICT: INLAND COUNTY PLANNING AREA
6. WATER SUPPLY: SOUTHERN CALIFORNIA GAS CO
7. GAS: PACIFIC GAS & ELECTRIC
8. ELECTRICAL: PACIFIC GAS & ELECTRIC
9. TELEPHONE: PACIFIC GAS & ELECTRIC

NOTES

1. ALL PARKING AREAS ARE REPROPOSED. ACCESS, EGRESS, EGRESS, PARKING AND UTILITIES EASEMENTS FOR THE EXCLUSIVE MUTUAL BENEFIT OF PARCELS 1 THROUGH 5.
2. ALL INTERIOR DRIVES REPROPOSED. ACCESS, EGRESS, EGRESS, PARKING AND UTILITIES EASEMENTS FOR THE EXCLUSIVE MUTUAL BENEFIT OF LOTS 1 THROUGH 5 AND PARCEL 1 OF

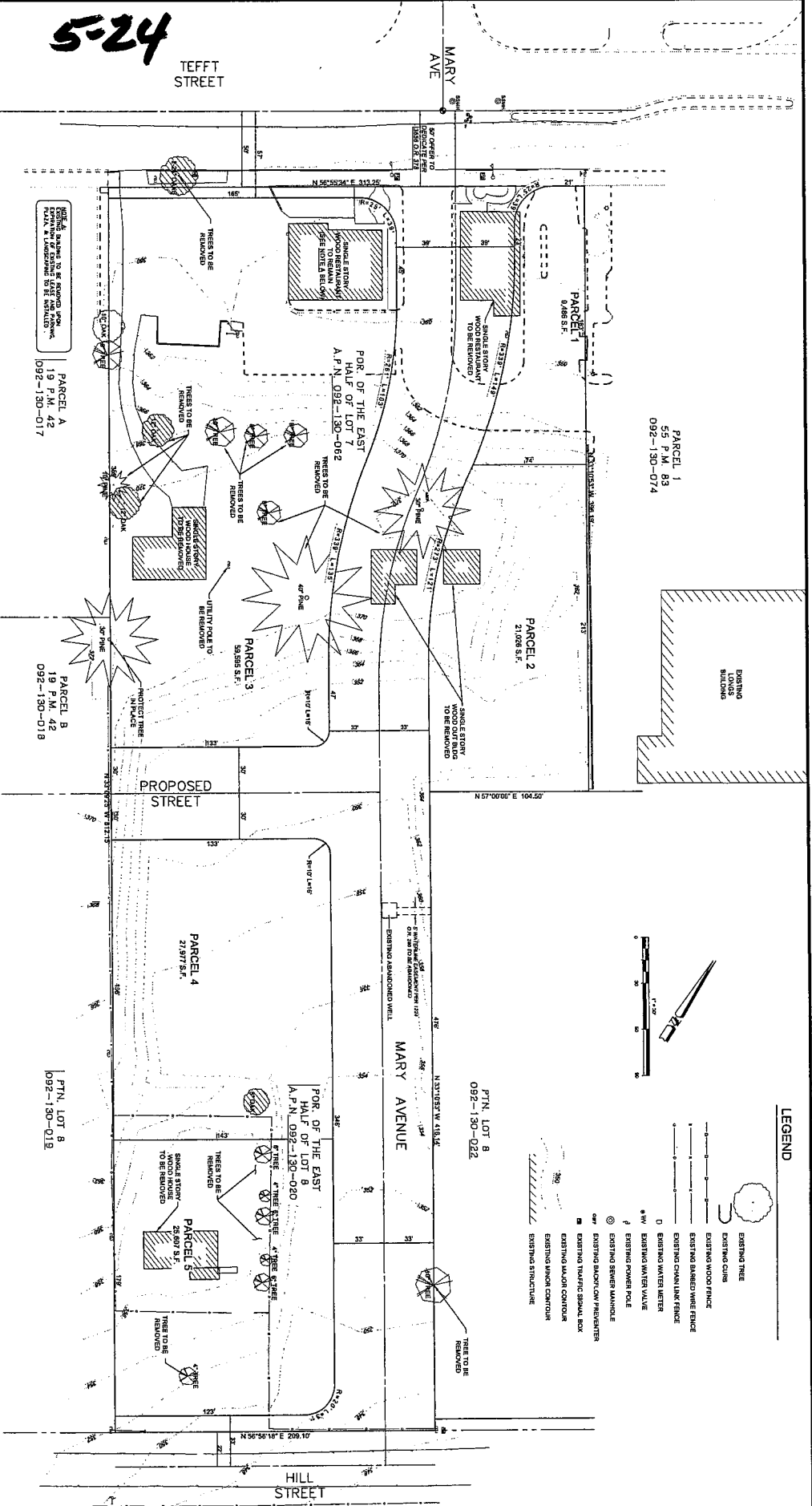
VESTING TENTATIVE
PARCEL MAP
CO 06-0037

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA
PORTION OF LOTS 1 AND 2 OF THE RESUBDIVISION OF THE WESTERN PART
OF LOT 25
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

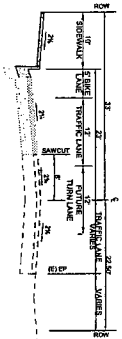
PREPARED FOR:
THE VILLAGE AT WILSON, LLC
408 BRYANT CIRCLE, SUITE 215
OAKLAND, CA 94612
Contact Person (cell):
ROBERT WINSLOW
PROJECT NUMBER:
06-0037

PREPARED BY:
eda
10000 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90210
Tel: 310.274.8888
Fax: 310.274.8889
www.eda.com

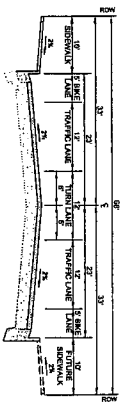
SHEET 1 OF 2



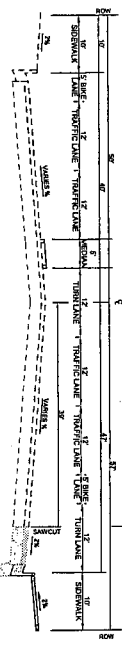
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SCALE: 1" = 10'



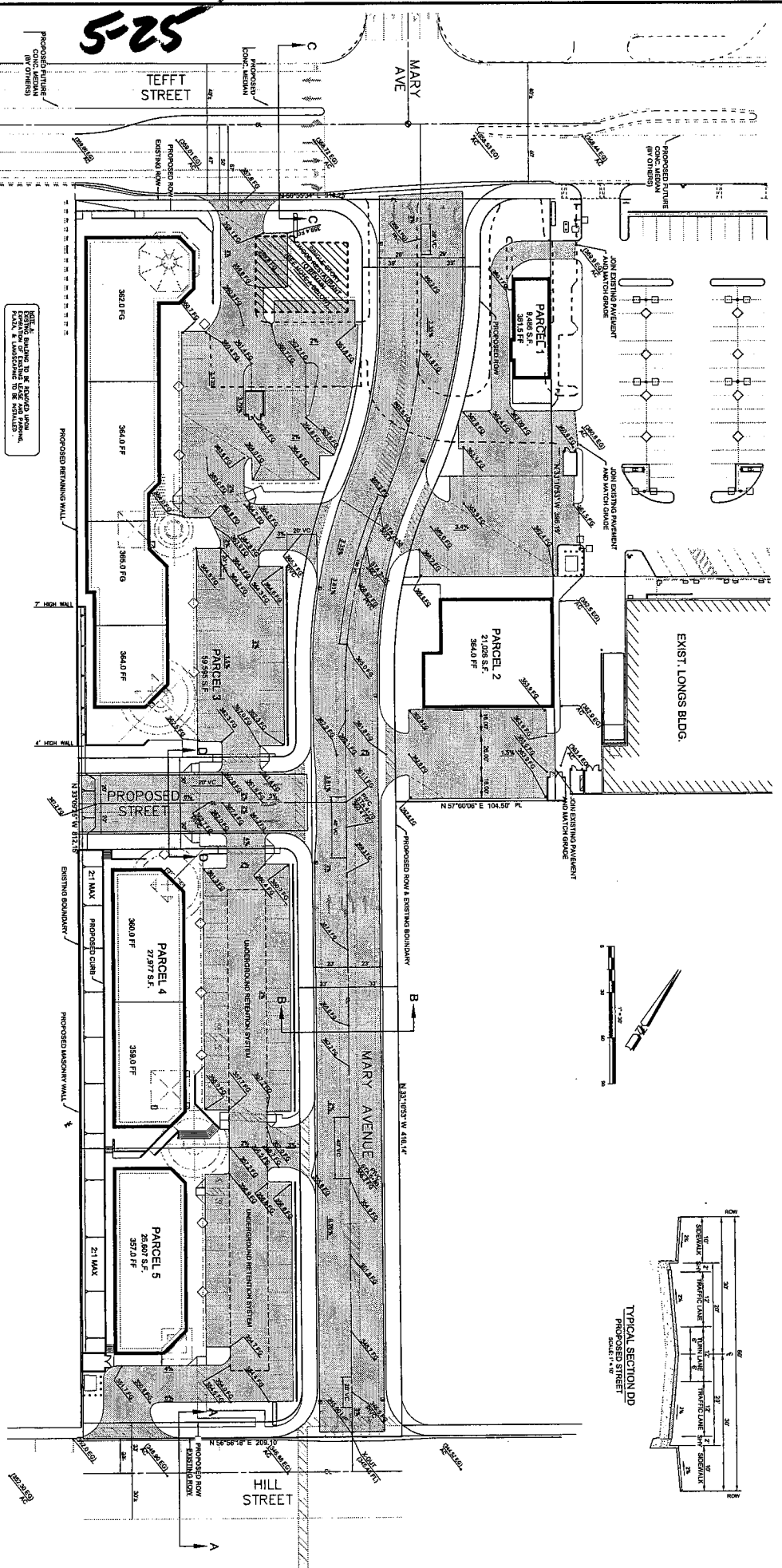
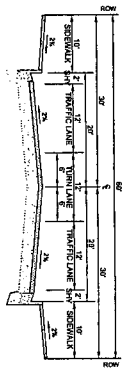
TYPICAL SECTION BB
SCALE: 1" = 10'



TYPICAL SECTION CC
SCALE: 1" = 10'



TYPICAL SECTION DD
SCALE: 1" = 10'



PRELIMINARY GRADING & DRAINAGE PLAN
VESTING TENTATIVE
PARCEL MAP

CO 06-0037

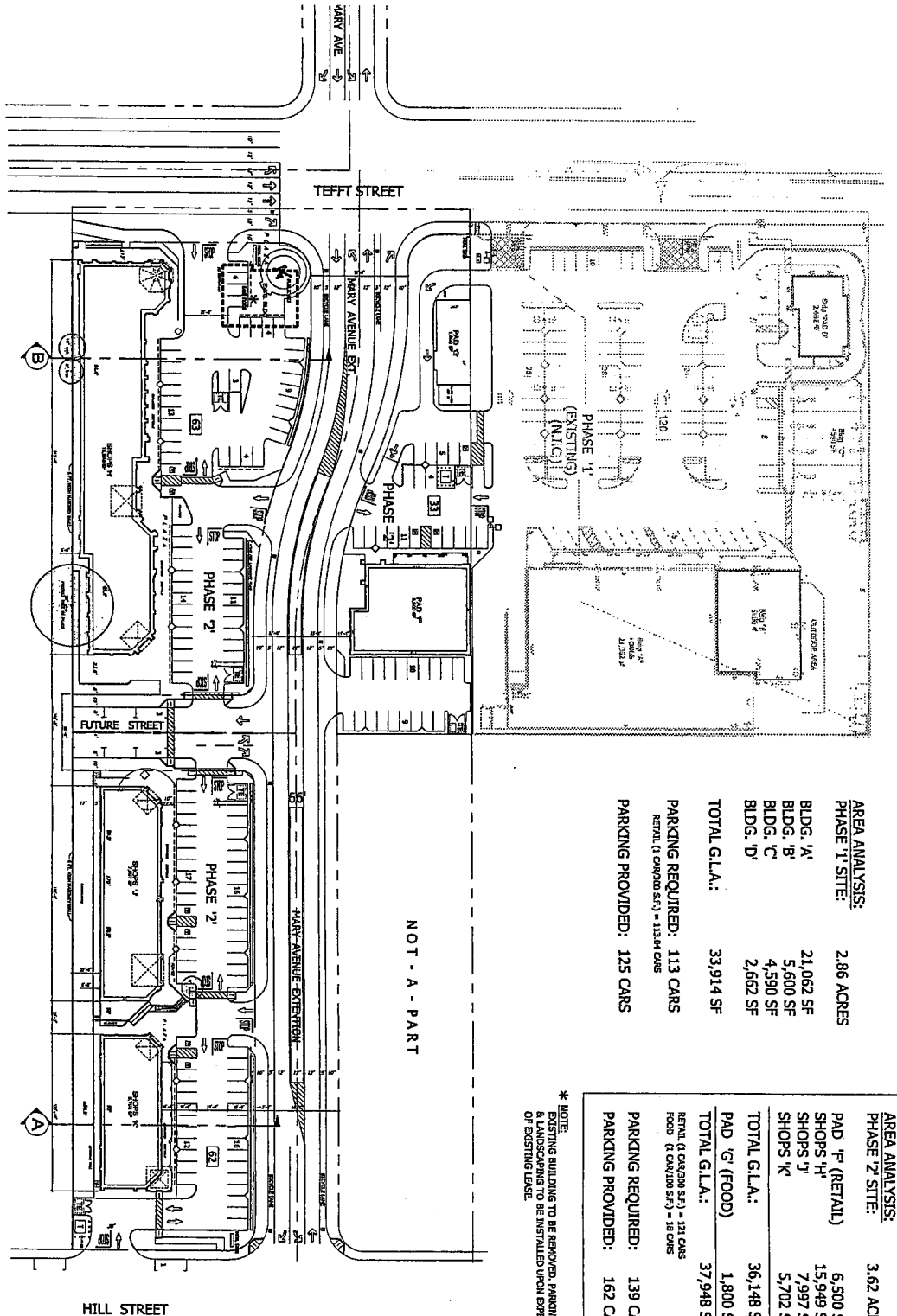
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA
PORTION OF LOTS 7 AND 8 OF THE RESUBDIVISION OF THE WESTERN PART
OF LOT 72 OF THE SAN LUIS OBISPO, STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

PREPARED FOR:
THE VILLAGE AT NIPOMO, LLC
7480 NIPOMO AVENUE, SUITE 225
OAKLAND, CA 94623

Contract Person (Title):
PROJECT MANAGER

PREPARED BY:
eda
1000 Laguna Road, Suite 100
San Luis Obispo, CA 93401
p: 805.484.4539 • fax: 805.484.4540

SHEET 2 OF 2



THE VILLAGE AT NIPOMO
S.E. TEFFT AVENUE & MARY AVENUE
SITE PLAN

NIPOMO, CALIFORNIA

E.F. MOORE & CO.
 4215 BAYVIEW CIRCLE SUITE 200
 NIPOMO, CA 93448
 760.550.1133
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AREA ANALYSIS:
PHASE 1 SITE:

BLDG. 'A'	21,062 SF
BLDG. 'B'	5,600 SF
BLDG. 'C'	4,590 SF
BLDG. 'D'	2,662 SF
TOTAL G.L.A.:	33,914 SF
PARKING REQUIRED:	113 CARS
RENTAL (1 CAR/200 S.F.) = 113.44 CARS	
PARKING PROVIDED:	125 CARS

AREA ANALYSIS:
PHASE 2 SITE:

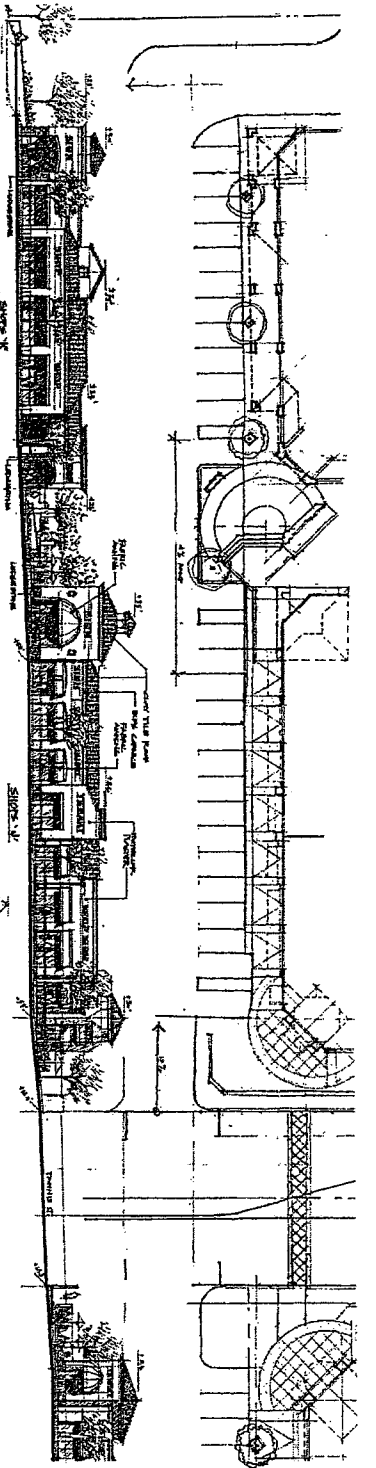
PAD 'F' (RETAIL)	6,500 SF
SHOPS 'H'	15,949 SF
SHOPS 'I'	7,997 SF
SHOPS 'K'	5,702 SF
TOTAL G.L.A.:	36,148 SF
PAD 'G' (FOOD)	1,800 SF
TOTAL G.L.A.:	37,948 SF
PARKING REQUIRED:	139 CARS
RENTAL (1 CAR/200 S.F.) = 139.74 CARS	
PARKING PROVIDED:	162 CARS

* NOTE:
 EXISTING BUILDING TO BE REMOVED, PARKING, PLAZA
 & LANDSCAPING TO BE INSTALLED UPON EXPIRATION
 OF EXISTING LEASE.

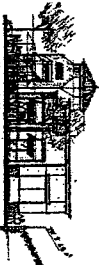
LHA
 ARCHITECTS
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 SUITE 100
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5-28

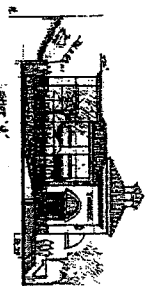
EAST ELEVATION



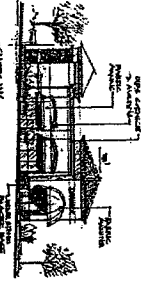
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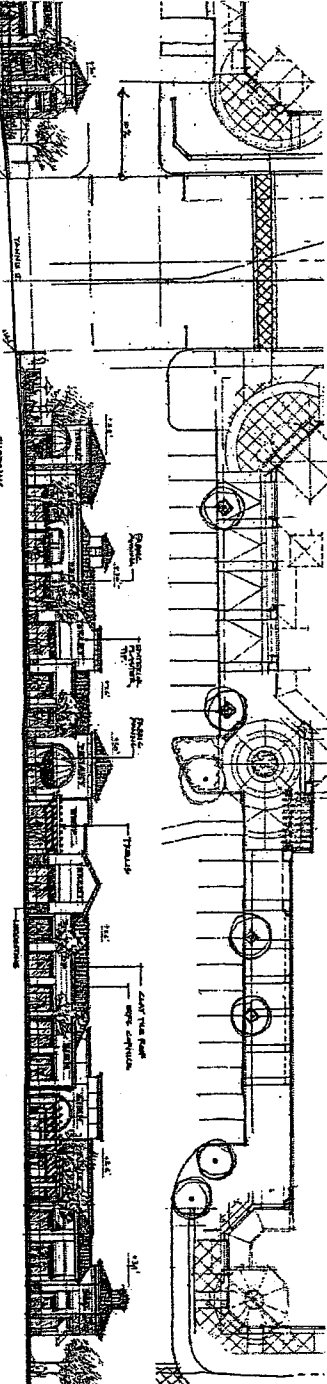
SOUTH ELEVATION



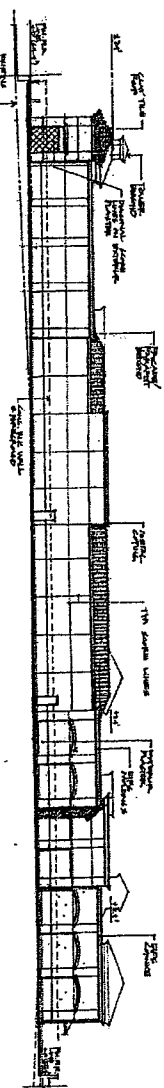
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EAST ELEVATION



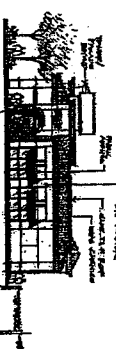
WEST ELEVATION



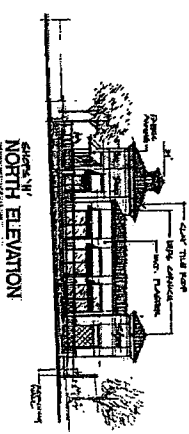
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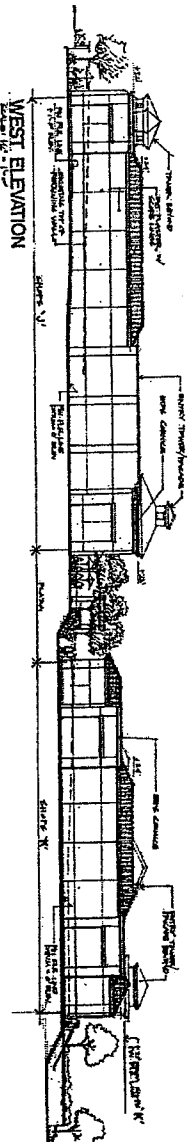
NORTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



PROJECT

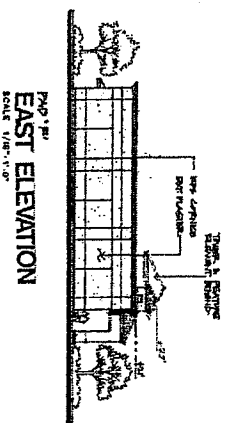
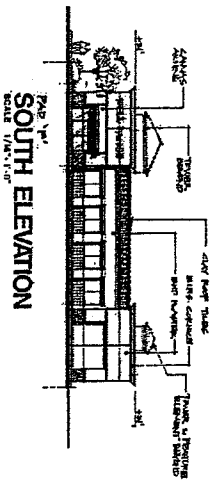
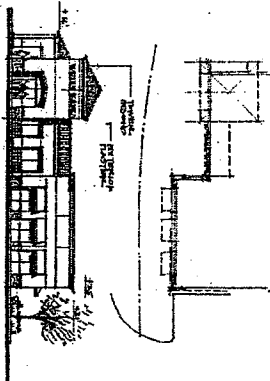
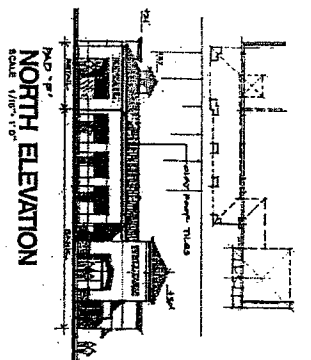
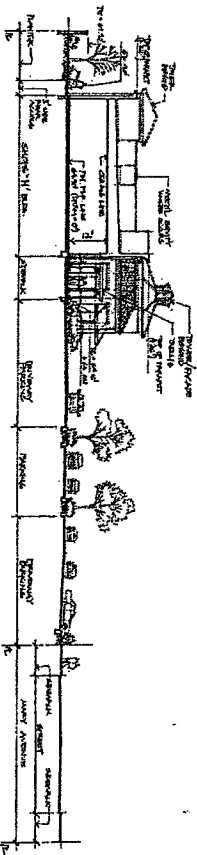
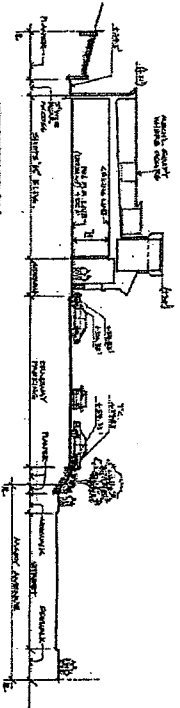
Parcel Map CO 06-0037
Village at Nipomo SUB2005-00135



EXHIBIT

Elevations

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PROJECT

Parcel Map CO 06-0037
Village at Nipomo SUB2005-00135



EXHIBIT

Elevations & Sections

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COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (BDP)

ENVIRONMENTAL DETERMINATION NO. ED05-454

DATE: July 13, 2006

PROJECT/ENTITLEMENT: Village at Nipomo Parcel Map and Conditional Use Permit SUB2005-00135;
CO 01-0351

APPLICANT NAME: Village at Nipomo

ADDRESS: 428 Bryant Circle Suite 225, Ojai, CA 93023

CONTACT PERSON: Edwin Moore

Telephone: 805-640-3438

PROPOSED USES/INTENT Request by Village at Nipomo LLC for Vesting Tentative Parcel Map CO 06-0037 to allow for 1) subdivision of an existing 3.62 acre parcel into five commercial parcels ranging in size from 0.22 acres to 1.37 acres each, and include an extension of Mary Avenue; and 2) establishment of five commercial buildings on the proposed parcels for a total 38,189 square feet of retail and restaurant floor area, which will result in the disturbance of the entire parcel.

LOCATION: The proposed project is within the Commercial Retail land use category and is located at 601 West Tefft Street directly across from Mary Avenue, in the community of Nipomo. The site is in the South County (Inland) planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 200
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: Regional Water Quality Control Board
Air Pollution Control District

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on July 27, 2006
30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No.

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 200, San Luis Obispo, CA 93408-2040

Brian Pedrotti

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



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San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: _____

County: San Luis Obispo

Project No. SUB2005-00135

Project Title: Village at Nipomo Parcel Map and Conditional Use Permit

Project Applicant

Name: Village at Nipomo

Address: 428 Bryant Circle Suite 225

City, State, Zip Code: Ojai, CA 93023

Telephone #: 805-640-3438

Please remit the following amount to the **County Clerk-Recorder:**

() Environmental Impact Report	\$ 850.00
(X) Negative Declaration	\$ 1250.00
(X) County Clerk's Fee	\$ <u>25.00</u>
Total amount due:	1275.00

AMOUNT ENCLOSED: _____

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Village at Nipomo Parcel Map and Conditional Use Permit :
SUB2005-00135; ED 05-454

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Brian Pedrotti
Prepared by (Print)

B. O. Pedrotti
Signature

7/5/06
Date

Jeff Oliveira
Reviewed by (Print)

Jeff Oliveira
Signature

Ellen Carroll,
Environmental Coordinator
(for)

7/6/06
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Village at Nipomo LLC for Vesting Tentative Parcel Map CO 06-0037 to allow for 1) subdivision of an existing 3.62 acre parcel into five commercial parcels ranging in size from 0.22 acres to 1.37 acres each, and include an extension of Mary Avenue; and 2) establishment of five commercial buildings on the proposed parcels for a total 38,189 square feet of retail and restaurant floor area, which will result in the disturbance of the entire parcel. The proposed project is within the Commercial Retail land use category and is located at 601 West Tefft Street directly across from Mary Avenue, in the community of Nipomo. The site is in the South County (Inland) planning area.

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ASSESSOR PARCEL NUMBER(S): 092-130-062, 020

SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: South County (Inland), Nipomo

LAND USE CATEGORY: Commercial Retail

COMBINING DESIGNATION(S): None

EXISTING USES: Two commercial buildings, three residences.

TOPOGRAPHY: Gently sloping

VEGETATION: Grasses , ornamental landscaping

PARCEL SIZE: 3.62 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Commercial Retail; commercial use

East: Commercial Retail; commercial use

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South: Residential Multi-Family; vacant	West: Commercial Retail and Residential Multi-Family; commercial use and undeveloped
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C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project site is located at the southeast and southwest corners of the intersection of W. Tefft Street and Mary Avenue in the community of Nipomo. The project site is surrounded primarily by commercial land on all sides, and multi-family residential land to the southwest. Commercial uses exist on the property, and to the north, east, and west. Mixed-use development has been approved on property to the southeast. The proposed project is for five one-story commercial buildings totaling 38,638 square feet of floor area. The proposal also includes 163 parking spaces, and approximately 21,140 square feet of landscaping area. The project site is currently developed with three residences and two commercial buildings. The area's topography consists of moderately sloping grassy areas with scattered ornamental landscaping.

The proposed buildings range in height from approximately 20 feet to the tower elements up to 35 feet in height. Due to noise concerns generated by mechanical equipment, the parapet wall on the south and west of Buildings H, J, and K will graduate up to 24 feet in height. The architecture of individual structures is designed with Early California style elements, with materials consisting of varied colors of plaster building material, stone veneer, muted accent colors, fabric awnings and red tile roofing. Cornice and trellis elements are also proposed to provide additional visual interest.

The proposed project would be visible from multiple public travel-ways, including prominent views from Mary Avenue which will run through the center of the project, W. Tefft Street, and Hill Street. The project will be visible to a lesser extent from Highway 101 due to intervening buildings and

topographic changes. The proposed buildings include varied architectural elements and detailed facades that would enhance the existing character of the commercial environment. Highway 101 runs north and south at a lower elevation than the site. This grade change will partially screen the development from view from the highway. Existing and future approved development to the east will also provide varied building heights to articulate views from Highway 101.

Views of the project will be seen from adjacent undeveloped multi-family land to the southwest. The project includes significant tree plantings between the proposed buildings and the adjacent residential property to help screen and buffer future multi-family development. Further, the subject site rests at a lower elevation than the adjacent residential property (between approximately four and eight feet), which will contribute to the lessening of the visual impact on future residences. No glare or lighting impacts are anticipated due to the location of the parking areas on the east side of the proposed buildings, and the intervening tree plantings proposed.

Mitigation/Conclusion. Based on the above discussion, and with the approval of a final landscaping plan when construction permits are submitted, no impacts to visual resources are anticipated and no mitigation measures are necessary.

2. AGRICULTURAL RESOURCES

- *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types are as follows:

Oceano sand, (0 - 9 % slope). This nearly level to gently sloping soil is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities. The soil is considered Class VI without irrigation and Class IV when irrigated.

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - *Will the project:*

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: <u>Fugitive Dust</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located within the South Central Coast Air Basin and is nearest to the Nipomo Ralco Way Air Quality Monitoring Station. Based on the latest air monitoring station information, the trend in air quality in the general area is improving.

The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NO_x) and reactive organic gases (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM₁₀) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NO_x (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

The proposed project site is located adjacent to commercial development along West Tefft Street, and is located within the central business district of Nipomo. The project site is also bordered by residential land to the southwest. Residential areas are sensitive to air pollution, including both construction and operational emissions. Approximately 3.62 acres of site disturbance would occur during grading activities for the construction of the proposed buildings, roads and parking areas, drainage improvements, and utility installation. The project site is located in the South County Air Quality Mitigation (SCAQM) fee area. New development will be subject to the SCAQM fee, which is intended to partially mitigate the cumulative effects of new development within the South County planning area. This program funds several strategies within the South County to improve air quality and reducing single-occupant vehicles, by: attracting transit ridership through regional bus stop improvements, encouraging carpooling through park-and-ride lot improvements and ridesharing advertising, promoting the use of bicycles through bike lane installation, reducing dust through limited road paving of several unpaved roads, and by providing electronic information/services locally to reduce vehicle trip lengths.

Impact. The proposed project was referred to the County of San Luis Obispo Air Pollution Control District (APCD) for review and determination of any air quality impacts potentially resulting during both the construction and operational phases of the proposed project. Air quality impacts during

construction include the release of fugitive dust (PM₁₀) and the potential release of naturally occurring asbestos.

Naturally-Occurring Asbestos. The project site is located in an area of potentially naturally occurring asbestos, serpentine or ultramafic rock. Asbestos is considered a toxic air contaminant by the State Air Resources Board. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

Developmental Burning. On February 5, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning under restrictions may be allowed. Unregulated burning would result in a potentially significant air quality impact.

Fugitive Dust (PM₁₀). Implementation of the proposed project would result in the generation of dust, potentially affecting local residents and businesses in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact.

Cumulative. Implementation of the proposed project would result in cumulative air quality impacts in the South County Planning Area from additional operational and construction emissions resulting from new development.

Mitigation/Conclusion.

Asbestos. The applicant is required to conduct a geologic evaluation to determine if naturally occurring asbestos is present within the area that will be disturbed. In the event asbestos, serpentine, or ultramafic rock is discovered during construction, all asbestos regulations shall apply.

Developmental Burning. To minimize the effects of vegetative burning on regional air quality, the applicant is required by regulation to avoid burning, or if no alternative is available, obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

Fugitive Dust (PM₁₀). To minimize nuisance dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to levels of insignificance. In addition, the cumulative air quality mitigation program of the South County Air Quality Mitigation (SCAQM) fee would offset some of these impacts

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. BIOLOGICAL RESOURCES - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses, ornamental landscaping

Based on the latest California Diversity database, and other biological references, the following is a list of sensitive vegetation, wildlife and/or habitat that have been identified as potentially being within the vicinity of the proposed project:

Plants- Sand Mesa manzanita (*Arctostaphylos rudis*) List 1B app. 0.6 and 0.8 miles northwest, and 0.8 mile southwest of the property

Sand mesa manzanita (*Arctostaphylos rudis*) is an evergreen shrub that occurs in chaparral and coastal scrub habitats (Tibor 2001). The typical flowering period for this species is November through February. The species grows from 25 m to 260 m (82 ft to 853 ft). The sand mesa manzanita is a federal species of special concern, and the CNPS considers this plant to be rare, threatened, or endangered in California and elsewhere (List 1B, 2-2-3).

Habitat- Vernal Pools – The proposed project is within the Santa Barbara vernal pool region, which is a generalized regional area with vernal pools known to exist within its boundaries. A vernal pool habitat will consist of seasonal wetland (i.e., an area with ponding water during the wet season and then drying up during the summer months). This habitat sometimes support sensitive aquatic plant and wildlife species, such as the federally-threatened vernal pool fairy shrimp, the spadefoot toad, the California Tiger salamander, and several sensitive aquatic plant species.

KEY: FE-Federally Endangered; PFE-Proposed Listing-Federally Endangered; FT-Federally Threatened; PFT-Proposed listing-Federally Threatened; FC-Federal Candidate; FSC-Federal Species of Concern (no longer used); FD - Federally delisted SE-State Endangered; SCE-State Endangered Candidate for listing; ST-State Threatened; SCT-State Threatened Candidate for listing; SR-State Rare; CSC- CA Special Concern Species; FP-CDFG Fully Protected; List 1A-CNPS Presumed extinct in CA; List 1B-CNPS Rare or Endangered in CA & elsewhere; List 2-CNPS Rare or Endangered in CA, but common elsewhere; List 3-CNPS Plants needing more info (Review List); List 4-CNPS Plants of limited distribution (Watch List).

Impact. The proposed project site is an undeveloped parcel adjacent to existing commercial and residential land. Vegetation on the project site consists of non-native grasses and scattered ornamental trees. Although within a vernal pool region, the project site is moderately sloping and devoid of varied vegetation. Despite the presence of a large depression remaining from previous grading work, the site generally slopes to the south and has a drainage outlet to Hill Street. No evidence of vernal pools was observed onsite during a site visit by staff in May of 2006.

Mitigation/Conclusion. No significant biological impacts are expected to occur, and no mitigation

measures are necessary.

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash. . Both historic structures and paleontological resources are known to exist in the area.

Impact. A Phase I Cultural Resources Survey and Impact Assessment (C.A. Singer & Associates, 2005), was completed for the project site to determine the presence of cultural materials. No evidence of cultural materials was noted on the property. The project is unlikely to affect paleontological resources because it is not expected to disturb bedrock.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is not known. The liquefaction potential during a ground-shaking event is not known. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (Nipomo Creek) from the proposed development is approximately 0.3 miles northeast. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered well drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – The soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility and low shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 1.2 acres and will require a SWPPP be prepared. The applicant is proposing to construct a retention basin to contain drainage onsite.

Mitigation/Conclusion. The project is required to prepare and implement a SWPPP as well as drainage controls. There is no evidence that measures above what will already be required by ordinance or codes are needed.

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7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is within a high severity risk area for fire. The proposed project is located within the State Responsibility Area for wildland fires and was referred to the California Department of Forestry (CDF)/County Fire Department. No significant fire safety concerns were identified (Gilbert Portillo; December 20, 2005). The project is not within the Airport Review area. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. Pursuant to State Fire Code, standard fire safety measures would be required for future development, such as adequate water supply connection, access road and driveway standards, and roof access. Implementation of standard requirements would minimize potential fire risk to less than significant and no additional mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5-43

8. NOISE - Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

d) Other: _____

☐
☐
☐
☐

Setting.

The project site is within the Commercial Retail land use category and is surrounded by commercial zoned property except to the southwest which is designated Residential Multi Family. The Noise Element requires 50 dB (daytime hourly L_{eq}) at the property line of residential zoned property.

Noise Exposure. The proposed project site is located approximately 600 feet west of the on-ramps to Highway 101, north of Hill Street. The proposed uses include retail commercial uses, which are not considered noise-sensitive receptors.

Noise Generation.

The proposed project is a commercial retail center, and will include roof-mounted HVAC systems, such as refrigeration, compressors, air intakes, and exhaust and cooling fans. These mechanical systems will generate noise impacts on adjacent residential land to the southwest. Impacts from product delivery and roll-up doors will be on the east side of the buildings, shielded from residential areas.

Implementation of the proposed project would also potentially result in the generation of traffic trips, which would contribute to the cumulative generation of transportation-related noise. The proposed project site is located in the midst of a major highway, existing and expanding commercial development and residential development; therefore, generation of these trips would not result in a significant level of transportation-related noise.

Impact. A Noise Assessment and Mitigation Recommendations (Lord, 2005) was conducted for the site, which identified the potential impacts to the adjacent residential areas associated with the proposed rooftop equipment. A "line-of-sight" analysis revealed that mitigation of the noise generating impacts would include raising of the parapet wall on Buildings J and K to a height of 24 feet on the west, as well as wrapping the wall around the north and south ends for 20 feet in length.

Mitigation/Conclusion. The applicant has agreed to incorporate the use of noise reduction features on Buildings J and K to reduce the level of noise caused by roof-mounted mechanical equipment. The applicant has agreed to construct buildings J and K with a parapet wall on the west side of the buildings, and wrapping around 20 feet on the north and south sides of the buildings. Based on the above discussion and implementation of these mitigation measures, potentially significant noise impacts would be reduced to a level of insignificance.

**9. POPULATION/HOUSING -
Will the project:**

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

a) **Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?**

☐
☐
☒
☐

5-44

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

Within walking distance (less than 1/4 mile) there is a large inventory of moderate-density residential zoning. These areas are currently developed with a mix of affordable housing to market-rate units. The County has recently adopted a revised Housing Element. One of the new Housing Element Programs (Program HE 1.9) indicates that the County will prepare an Inclusionary Housing Ordinance during 2006. Upon adoption of the ordinance, future commercial development may be required to pay a fee to support development of new affordable housing.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace a significant amount of existing housing (two existing residences).

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary. Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) Solid Wastes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station is approximately 0.6 miles to the northeast. The closest Sheriff substation is in Oceano, which is approximately 10 miles from the proposed project. The project is located in the Lucia Mar Unified School District.

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Regarding cumulative effects, public facility (county) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. The proposed project does not involve new residential uses and will not create a significant need for additional park or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

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**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): Mary Avenue, W. Tefft Street, Hill Street. The identified roadways are operating at LOS E and F. Referrals were sent to Public Works and Caltrans.

Impact. The proposed project will generate additional vehicle trips from the proposed commercial retail development. The project includes road improvements to implement the West Tefft Street Corridor Study of the Circulation Plan, including the extension of Mary Avenue. The continued development of Nipomo, including the proposed project, would increase the traffic demands on West Tefft Street, and the Highway 101 and Tefft Street interchange. Based on consultation with the Public Works Department, the Level of Service at the interchange would decrease to LOS F under the cumulative build-out scenario. The County has developed the South County Road Fee Program to collect fees to be used towards road improvement projects within Nipomo and South County, including future improvements to the Highway 101 and Tefft Street interchange. CalTrans strongly advocates the collection of a surcharge to the existing traffic impact fees from development.

The project was also referred to the Regional Transit Authority. No comments were received. The project is within one-half mile of an existing bus stop, and the RTA has indicated to the County that an in-lieu fee for future transit improvements may be included for projects in this area.

Mitigation/Conclusion. The proposed project is located within the South County Fee Area. Prior to issuance of permits on the project site, the applicant would be required to contribute to the fee program. The fees contributed to this program would partially finance the implementation of improvements to the Highway 101 and Tefft Street interchange, and mitigate cumulative impacts resulting from future development. The applicant would also be required to pay an in-lieu fee for future transit improvements. Payment of these fees and implementation of mitigation measures for road improvements will mitigate impacts to transportation/circulation to a level of insignificance.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project will be served by the Nipomo Community Services District for wastewater disposal. This system is currently operating at acceptable levels and the system has the capacity to support existing commitments in addition to the proposed project.

Impact. The project proposes to use a community system (NCSO) as its means to dispose of wastewater. Based on the proposed project, the proposed community system has the capacity to handle the project's additional effluent.

Mitigation/Conclusion. Given that the system is currently operating at acceptable levels and that it has the capacity to support existing commitments in addition to the proposed project, no mitigation measures are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use a community system (NCSD) as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level. The closest creek (Nipomo Creek) from the proposed development is approximately 0.3 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

Surface Water. The proposed project site is not located near any sources of surface water. The topography of the site is moderately sloping. Standard drainage and erosion control measures and preparation of a SWPPP would be required for the proposed project and would provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

Water Usage. The project proposes to use the NCSD as its water source. The NCSD pumps water from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, Santa Maria). Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be approximately 25.08 afy:

Fast-food restaurant (coffee) (0.8 per 1,000 sq. ft.) x 9,486 sq. ft. = 7.59 afy
 Retail (small) (0.6 per 1,000 sq. ft.) x 29,152 sq. ft. = 17.5 afy

Source: "City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide'" (Aug., 1989)

Based on the most recent comprehensive study completed for this basin (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area", 2002), while extractions will increase above current levels over the next twenty years, the study concludes that "Supplies appear adequate to meet water demands through water year 2020". However, the study recognizes that there is a sizeable local pumping depression on the Nipomo Mesa that has changed the dynamics of flow between two sub areas (Santa Maria, Nipomo Mesa). The study warns that seawater intrusion could result from this existing pumping depression if water management practices are not changed in the future and this depression continues to grow. Also, due mainly to the absence of current evidence of seawater intrusion, DWR concludes that the basin is not in a state of overdraft. The report does recommend a number of measures to improve monitoring of the basin as well as increase the use of recycled water.

On November 2, 2004, the Board of Supervisors certified RMS Level of Severity 2 for water supply in the Nipomo Mesa area, defined as the area subject to the 1.8% growth limit, as depicted in the Growth Management Ordinance.

The County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for this area. Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water. Also, building permits must include the full range of water conservation measures, including: low water-use toilets, showerhead, faucets; low water-use clothes washers; automatic shut-off devices for bathroom and kitchen faucets; point-of-use supplemental water heater systems in bathrooms and kitchen, or circulating hot water systems; low water-use landscape; limited landscape areas; limited turf areas; low water-use plant materials; soil moisture sensors; drip irrigation systems; and separate meters for outdoor water use.

The Board of Supervisors also directed staff to process a general plan amendment (planning area standard) that would expand the application of landscape standards in the LUO (Sec. 22.16.020) for projects in the area subject to the 1.8% growth limit. Low water-use landscapes will now be required for all developer-installed landscapes on parcels of 5 acres or less in any land use category. In an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations will be recommended.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Mitigation/Conclusion. To conserve water, the project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240) in addition to the measures described above. Based on implementation of required water conservation measures, water impacts would be reduced to insignificance and no further measures are necessary.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be potentially inconsistent with any habitat or community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
d) Be potentially incompatible with surrounding land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental", or the California Environmental Resources Evaluation System at: "http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	Attached
<input checked="" type="checkbox"/>	Nipomo Community Service District	Attached
<input checked="" type="checkbox"/>	Other <u>South County Advisory Council</u>	Attached
<input type="checkbox"/>	Other _____	Not Applicable

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> South County (Inland) Area Plan and Update EIR
<u>County documents</u>	<input checked="" type="checkbox"/> South County Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input checked="" type="checkbox"/> Solid Waste Management Plan	

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

GeoSolutions, Inc. February 22, 2005. *Soils Engineering Report, Village at Nipomo, Phase Two, Nipomo Longs Center, 601 West Tefft Street.*

Lord, David L. Ph.D. October 7, 2005. *Noise Assessment and Mitigation Recommendations.*

Singer, Clay. C.A. Singer & Associates, Inc. August 11 2005. *Cultural resources survey and impact assessment for a commercial property between Tefft Street and Hill Street in Nipomo, San Luis Obispo County, California [APN 092-130-020/062].*

Exhibit B - Mitigation Summary Table

Air Quality

AQ-1 "Naturally-occurring asbestos" has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>)

AQ-2 **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. All construction equipment be properly maintained and tuned according to manufacturer's specifications.
- m. All off-road and portable diesel powered equipment, including but not limited to bulldozers,

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- graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with ARB motor vehicle diesel fuel; and
- n. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;

AQ-3 Prior to issuance of construction permit, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.

Geology and Soils

GS-1 Prior to issuance of grading permits for tract improvements, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

Noise

NS-1 At the time of application for construction permits, the applicant shall show the following on the project plans:

- a. The parapet height on Buildings "J" and "K" as shown on the attached elevations shall be a minimum of 24 feet in height on the west side of each building. The parapet height on Buildings "J" and "K" shall also be a minimum of 24 feet in height on the north and south sides of the buildings for a length of 20 linear feet.

Traffic

T-1 Prior to recordation of the final map, the applicant agrees to construct the following road improvements as required by the Department of Public Works (construct Mary Avenue, widening of Tefft Street, Hill Street widened, improvements to Mary Avenue/Hill Street intersection). Utilities shall be underground. Drainage plan will be included with improvement plans when submitted for review.

Wastewater

WW-1 Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

Water

W-1 Prior to final inspection, the following measures shall be applied to the proposed turf areas:

- a. To maximize drought-tolerance and minimize water usage, warm season grasses (excludes bermuda grass) such as buffalo grass, shall be used;
- b. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;

5-55

- d. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently;

W-2 Prior to final inspection of construction permit, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, all irrigation shall employ low water use techniques (e.g., drip irrigation).

5-56

DATE: June 15, 2006

**DEVELOPER'S STATEMENT FOR
VILLAGE AT NIPOMO PARCEL MAP w/CUP
SUB2005-00135; ED05-454**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: All monitoring of the mitigation measures described below to be performed by the Department of Planning and Building.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Air Quality

AQ-1 "Naturally-occurring asbestos" has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>):

AQ-2 Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

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- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. All construction equipment be properly maintained and tuned according to manufacturer's specifications.
- m. All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with ARB motor vehicle diesel fuel; and
- n. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;

AQ-3 Prior to issuance of construction permit, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.

Monitoring (Items AQ1 – AQ3): The Planning and Building Department, in consultation with APCD, shall verify compliance.

Geology and Soils

GS-1 Prior to issuance of grading permits for tract improvements, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

Monitoring: The Planning and Building Department, in consultation with County Public Works, shall verify compliance.

Noise

NS-1 At the time of application for construction permits, the applicant shall show the following on the project plans:

- a. The parapet height on Buildings "J" and "K" as shown on the attached elevations shall be a minimum of 24 feet in height on the west side of each building. The parapet height on Buildings "J" and "K" shall also be a minimum of 24 feet in height on the north and south sides of the buildings for a length of 20 linear feet.

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Monitoring: The Planning and Building Department, in consultation with Environmental Coordinator's Office, shall verify compliance.

Traffic

- T-1 **Prior to recordation of the final map**, the applicant agrees to construct the following road improvements as required by the Department of Public Works (construct Mary Avenue, widening of Tefft Street, Hill Street widened, improvements to Mary Avenue/Hill Street intersection). Utilities shall be underground. Drainage plan will be included with improvement plans when submitted for review.

Monitoring: The Planning and Building Department, in consultation with County Public Works, shall verify compliance.

Wastewater

- WW-1 **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

Monitoring: The Planning and Building Department shall verify compliance.

Water

- W-1 **Prior to final inspection**, the following measures shall be applied to the proposed turf areas:
- To maximize drought-tolerance and minimize water usage, warm season grasses (excludes bermuda grass) such as buffalo grass, shall be used;
 - To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
 - Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently;
- W-2 **Prior to final inspection of construction permit**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, all irrigation shall employ low water use techniques (e.g., drip irrigation).

Monitoring: The Planning and Building Department, in consultation with the Building Division, shall verify compliance.

The applicant understands that any changes made to the project description subsequent to this

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environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Owner(s)

Date

6/20/06

Name (Print)

Edwin F. Moore, Esq.
Village at Nippon LLC



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**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

June 15, 2006

Mr. Brian Pedrotti
County of San Luis Obispo Department of Planning and Building
County Government Center
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding the Village at Nipomo CO 01-0351 Project
Referral (SUB 2005-00135)

Dear Mr. Pedrotti,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 601 West Tefft Street in Nipomo. This project involves a five lot parcel map and conditional use permit for a 38,638 sq. foot retail shopping center located on a parcel currently developed with 2 commercial buildings, 3 houses and vacant land.

The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE MITIGATION

Demolition Activities

The project referral did not indicate whether there are existing structures on the proposed site that will be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal

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requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Tim Fuhs of our Enforcement Division at 781-5912.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- IC engines;
- Unconfined abrasive blasting operations;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

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To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Dust Control Measures

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed; and
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

OPERATIONAL PHASE MITIGATION

Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Food and beverage preparation (primarily coffee roasters);
- Furniture and fixture products;
- Small scale manufacturing;
- Auto and vehicle repair and painting facilities;
- Dry cleaning;
- Public utility facilities;
- Boilers;

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Project Referral for Village at Nipomo CO 01-0351
June 13, 2006
Page 4 of 4

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Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

Sincerely,



Stacy Shull
Air Quality Specialist Trainee

SLS/lmg

cc: Tim Fuhs, Enforcement Division, APCD
David Dixon, Engineering Division, APCD
Karen Brooks, Enforcement Division, APCD
Moore Edwin

Attachments: Naturally Occurring Asbestos Construction & Grading Project -
Exemption Request Form.

H:\PLANCEQA\Project_Review\3190-1\3190-1.doc

Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form

Attachment 1

Send To:

San Luis Obispo County
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401

Phone: (805) 781-5912
Fax: (805) 781-1002

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Applicant Information/ Property Owner		Project Name	
Address		Project Address and /or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Phone Number	Date Submitted	Agent	Phone Number

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout "**ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements.**"

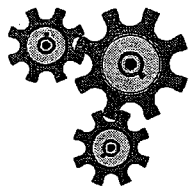
NOTE: A basic exemption evaluation fee of \$100.00 will be charged.

APPLICANT MUST SIGN BELOW:	
I request the San Luis Obispo County Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.	
Legal Declaration/Authorized Signature:	
Date:	

OFFICE USE ONLY - APCD Required Element – Geological Evaluation			
Intake Date:	APCD Staff:	OIS Site #:	OIS Project #:
Date Reviewed:	APCD Staff:	Approved	Not Approved
Comments:			

Naturally Occurring Asbestos - Construction & Grading Project Form

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Send To:
San Luis Obispo County Air
Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401
805-781-5912



Applicant Information/Property Owner		Project Name	
Address		Project Address and/or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Phone Number	Date Submitted	Agent	Phone Number

Check Where Applicable	ITEM	APCD REQUIRED ELEMENT 1	APCD REQUIRED ELEMENT 2
	Project IS NOT Subject to NOA Requirements	Mapped Location Attached	
	Project IS Subject to NOA Requirements but NOT Disturbing NOA	Geological Evaluation Attached	Exemption Request Form Attached
	Project IS Subject to NOA Requirements and Project is Disturbing NOA - More than One Acre	Geological Evaluation Attached	Dust Control Measure Plan Attached
	Project IS Subject to NOA Requirements and Project is Disturbing NOA - One Acre or Less	Geological Evaluation Attached	Mini-Dust Control Measure Plan Attached

APPLICANT MUST SIGN BELOW:

Legal Declaration/Authorized Signature:

Date:

OFFICE USE ONLY - APCD Required Elements

Geological Evaluation		Exemption Request Form		Dust Control Measure Plan		Monitoring, Health & Safety Plan	
Approved		Approved		Approved		Approved	
Not Approved		Not Approved		Not Approved		Not Approved	
Comments:		Comments:		Comments:			
APCD Staff:		Intake Date:		Date Reviewed:		OIS Site #	
OIS Proj. #							
INVOICE No.		Basic Fee:		Additional Fees:		Billable Hrs:	
						Total Fees:	

March 29, 2006

Office of the Board of Supervisors
Attn: Katcho Achadjian, Board of Supervisors
County Government Center
San Luis Obispo, California 93408-2040

Re: SCAC Recommendations from March 27, 2006 SCAC meeting

Gentlemen:

The preliminary minutes from the March 27, 2006 SCAC meeting can be found at:
<http://scac.ca.gov/m/scacm2006-3-27.pdf>

A summary of the recommendations by the council is found below:

Planning ID	Project Name	Motion
CO 01-0351/ SUB 2005-	VILLAGE AT NIPOMO	SCAC supports the project as presented and we especially like the low profile one-story buildings, landscaping with the recommendation that Tanis Pl. be a wide landscaped walkway (paseo).
DRC 2005-00149	HERLIHY	Allow secondary unit proposed by applicant even though distance and size are not in compliance with LUO because parcel is nominally 5 acres, if not exactly.
DRC 2005-00071	COFFMAN	Deny request, because it continues to be non-conforming, and there is not enough evidence to support that the structure is built to residential code or that area limitation will be enforced.
DRC2005-00160	ABATA	Recommend approval as proposed.
lrp2004-00017	GPA TO THE LUO referring to the TDC program	Oppose GPA that could have the effect of increasing density in a program the SCAC has gone on record as opposing.

Respectfully submitted,

Ed Eby



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

to Co Planning

VICTOR HOLANDA, AICP
DIRECTOR

5-67

THIS IS A NEW PROJECT REFERRAL

DATE: 12/1/05

TO: PW ppm

FROM: ☒ - South County Team ☐ - North County Team ☐ - Coastal Team

PROJECT DESCRIPTION: File Number: CO 01 - 0351 ✓ Applicant: Village At Nipomo
5 lot PM dclup for new 28,638 sq. ft. retail bldg.
located on 3.62 acres of W. Hill St. in Nipomo. APN: 092-120-062 d
092-120-020.

Return this letter with your comments attached no later than: 12/16/05 -130-

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES
☐ NO

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Conditions Attached w/ text + sketch of Hill St intersection
need new parcel map Number

Date JAN 25-2006

Name DAN MANION

Phone 781-5275

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us

FAX: (805) 781-1242

WEBSITE: <http://www.sloplanning.org>

CONDITIONS OF APPROVAL FOR (OLD # CO 01-0351) new # CO ____ - ____
by Village at Nipomo / EDA


5-68

This approval authorizes the division of a 3.62 acre commercial site into 5 parcels

Access and Improvements

 Roads and/or streets to be constructed to the following standards:

- (a.) Tefft Street widened to complete an A-2 urban section fronting the property together with the relocation and reconstruction of the signalization at Mary Ave to be set back within a dedicated right-of-way to fit the improvements.
- (b.) Mary Avenue constructed to an A-2 urban section fronting the property within a 78 foot and a 66 foot dedicated right-of-way as shown on the Tentative Map. Mary Avenue extension will be constructed with two travel lanes, center median and left turn pockets, and two bike lanes per the preliminary design as delineated on the plan of the VILLAGE AT NIPOMO - TEFFT AVENUE AND MARY AVENUE prepared by Leidenfrost / Horowitz & Associates dated June 23, 2005.
The project will construct Mary Avenue Extension between Tefft Street and Hill Street. The cost of improvements of the asphalt roadway and appropriate base material will be constructed subject to a reimbursement agreement between the subdivider and the County.
- (c.) The water wells within Mary Avenue be abandoned according to the requirements of the California Dept. of Health.
- (d.) Proposed Street between lots 3 and 4 constructed to an A-2 urban section within a minimum 50 foot dedicated right-of-way from Mary Avenue to the westerly boundary including County Standard barricade.
- (e.) Hill Street widened to complete an A-2 urban section fronting the property within a dedicated right-of-way described as 33 feet from the existing centerline of the 45 foot wide street.
- (f.) The intersection of Mary Avenue and Hill Street be designed in accordance with California Highway Design Manual to have a through road going southerly on Mary Avenue through a 150 foot radius curved centerline continuous to the centerline of Hill Street north-easterly, and the intersection with Hill Street westerly to be a minor road with a centerline radial to the through road terminating with STOP SIGNAGE at the through road.
- (g.) The intersection of Mary Avenue and Hill Street will be constructed with a temporary "tee" intersection. Asphalt improvements may be installed in lieu of concrete for that portion of the intersection that will be subject to the future realignment.

 The applicant offer for dedication to the public by certificate on the map or by separate document:



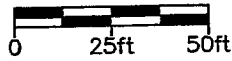
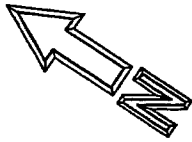
A 20 foot radius property line return at the intersection of all streets.

5-69

CO 01-0351 Mary Avenue Extension through to Hill Street

This project is to be conditioned to construct street improvements on Tefft Street, Mary Avenue, the proposed new street and Hill Street. The construction improvements at The intersection of Mary Avenue and Hill Street will initially conform to a "tee" intersection. The South County Circulation Study recommends Hill Street easterly toward South Frontage Road become a continuous curvilinear alignment. This developer is being required to submit a road design plan suitable for construction to be done in the future. The plan will be used when the development and the necessary right-of way is acquired on the north corner. The conceptual design is shown on the following sketch..

5-70



PTN. LOT 8 RHO NIPOMO

MARY AVE. (FUTURE ALIGNMENT)

(CO 01-0351, EXPIRED TENTATIVE MAP)

EXHIBIT FOR

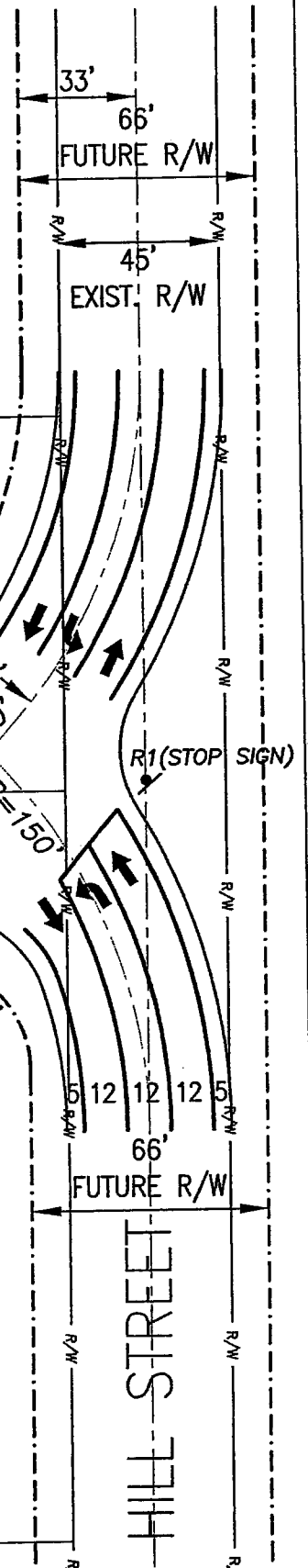


EXHIBIT B

5-7/
CONDITIONS OF APPROVAL FOR CO-01-0351 by Village At Newport EDA
Need new #

Approved Project This approval authorizes the division of a 3.62 acre parcel into
5 parcels of 9486 to 59595 ~~acres~~ / square feet each.

Access and Improvements

- ☐ Roads and/or streets to be constructed to the following standards:
- a. _____ constructed to a _____ section within a _____ foot dedicated right-of-way.
 - b. _____ widened to complete a _____ section fronting the property.
 - c. _____ constructed to a _____ section from the property to _____ (minimum paved width to be _____ feet).
- ☐ The applicant offer for dedication to the public by certificate on the map or by separate document:
- a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.
 - b. For future road improvement _____ feet along _____ to be described as _____.
 - c. For road widening purposes _____ feet along _____ to be described as _____ feet from the recorded centerline.
 - d. The _____ foot road easement as shown on the tentative parcel map with a _____ foot radius property line return at the intersection of _____.
 - e. A _____ foot radius property line return at the intersection of _____.
 - f. The _____ foot road easement terminating in a county cul-de-sac as shown on the tentative map.
- ☐ The intersection of _____ and _____ be designed in accordance with California Highway Design Manual.
- ☐ Access be denied to lots _____ from _____ and that this be by certificate and designation on the map.

- 5-72**
- ☐ The future alignment of _____ shall be shown on the map as reserved for future public right-of-way.
 - ☐ A private easement be reserved on the map for access to lots _____
 - ☐ A practical plan and profile for access to lots _____ be submitted to the Department of Public Works and the Department of Planning and Building for approval.
 - ☐ All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.
 - ☒ All driveways shall be constructed in accordance with County Standard Improvement Specification and Drawings. All driveways constructed on county roads require an encroachment permit

Improvement Plans

- ☒ Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - h. Trail plan, to be approved jointly with the Park Division.
- ☒ The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
- ☒ The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
- ☐ If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:

- a. Submit a copy of all such permits to the Department of Public Works OR
- b. Document that the regulatory agencies have determined that said permit is not longer required.

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Drainage

- ☐ _____ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☐ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☒ Submit complete drainage calculations to the Department of Public Works for review and approval.
- ☒ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- ☒ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. granted to the public in fee free of any encumbrance.
 - b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
 - c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within _____ for maintenance of the drainage basin. Application to be filed with the Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to _____ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☐ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must

perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system.

(Parcels _____ only)

5-74

- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall ***be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association.*** Impervious paving over a disposal area is not considered acceptable.
- ☐ A long term community septic tank and disposal area maintenance plan be submitted to the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.
- ☐ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.
- ☐ This land division shall be annexed to _____ prior to the filing of the final parcel or tract map for ***water service/water and sewer service/sewer maintenance/community septic system maintenance/***_____. This includes approval by the Local Agency Formation Commission.

Soils Report

- ☐ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.
- ☐ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

Utilities

- ☒ Electric and telephone lines shall be installed underground / ~~overhead~~.
- ☒ Cable T.V. conduits shall be installed in the street.
- ☒ Gas lines shall be installed.
- ☐ A _____ feet public utility easement on private property along _____, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

Design

- 5-75**
- ☐ The lots shall be numbered in sequence.
 - ☐ The _____ on lot _____ be removed or brought into conformance with the **Land Use Ordinance / Coastal Zone Land Use Ordinance** prior to filing the final parcel or tract map. A demolition permit may be required.
 - ☐ The lot area of _____ shall contain a minimum area of _____ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22.22.030/23.04.021).
 - ☐ The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Vector Control and Solid Waste

- ☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet **Land Use Ordinance / Coastal Zone Land Use Ordinance** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

- ☐ Provide a minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be a minimum width of twenty (20) feet. **(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)**

Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total **number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.**

- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

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Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
- ☐ An open space easement be recorded for the open space parcel(s). It is to be held *in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building*. The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

- ☒ If a **drainage basin** is required, then submit detailed landscaping plans in compliance with Chapter 22.16/Section 23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:

- (a.) Drainage basin fencing. **(ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN)**
- (b.) Drainage basin perimeter landscape screening. **(ONLY USE FOR FENCED BASINS)**
- c. Landscaping for erosion control.

- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within _____ days of completion of the improvements.

Mitigations PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP



The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

- a. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
- b. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity.
- c. All driveways shall be constructed in accordance with County Standard Improvement Specifications and Drawings. All driveways constructed on county roads require an encroachment permit.
- d. That secondary dwellings shall not be allowed on **all lots within the land division / on lots** _____.
- e. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____ measured from _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision if future development precludes commercial agricultural production on adjustment parcels affecting this subdivision. Such a determination shall be made in consultation with the Agricultural department. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- i. The limits of inundation from a 100 year storm over lots _____ from _____ **creek / river** shall be shown on the additional map and note the required building restriction in the on the sheet.
- j. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- k. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated _____ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- l. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. **(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)**

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- m. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- n. PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE
ONLY IF THEY GO BEYOND RECORDATION OF THE MAP

Covenants, Conditions and Restrictions

The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

- (a) On-going maintenance of drainage basin fencing in perpetuity.
- (b) On-going maintenance of *drainage basin / adjacent* landscaping in a viable condition on a continuing basis into perpetuity.
- ~~(c) Maintenance of drainage basin landscaping.~~
- c. Maintenance of common areas.
- d. Secondary dwellings shall not be allowed.
- e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____ measured from _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision if future development precludes commercial agricultural production on adjustment parcels affecting this subdivision. Such a determination shall be made in consultation with the Agricultural department. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- (i) Maintenance of all local streets within the subdivision until acceptance by a public agency.
- j. The limits of inundation from a 100 year storm over lots _____ from _____ creek / river shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the

5-79

Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. **(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)**
PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE
ONLY IF THEY GO BEYOND RECORDATION OF THE MAP

Low Cost Housing (USE IN COASTAL ZONE ONLY)

- ☐ Provide _____ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the _____ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.

Miscellaneous

- ☐ This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer / community water and septic tanks / individual wells and septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

☒

A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.

- ☐ Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- ☐ Prior to the sale or development of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.
- ☐ All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.



County of San Luis Obispo • Public Health Department

5-80

RECEIVED
NOV 28 2005

EDA

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX: (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

November 22, 2005

Engineering Development Associates, Inc.
P.O. Box 1829
San Luis Obispo, CA 93406

ATTN: SHERYL MANSKE
RE: TENTATIVE PARCEL MAP CO 01-0351/S.R. 1795 (MOORE)

Water Supply and Wastewater Disposal

This office is in receipt of a **preliminary** will serve letter from the Nipomo Community Services District to provide water and sewer services to the above noted parcel map. Be advised that a final can and will serve letter will be required prior to recordation of the final map and the improvements for water and sewer shall be built or bonded for prior to final recordation.

The existing abandoned well that is located on Mary Avenue shall be destroyed in accordance with County destruction standards prior to map recordation.

CO 01-0351 is approved for Health Agency subdivision map processing.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Kami Griffin, County Planning
South County Team, County Planning
NCS

NIPOMO COMMUNITY

BOARD MEMBERS

LARRY VIERHEILIG, PRESIDENT
ED EBY, VICE PRESIDENT
JUDITH WIRSING, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
MICHAEL WINN, DIRECTOR



Celebrating 40 Years of Service 1965-2005

SERVICES DISTRICT

STAFF

MICHAEL LeBRUN, GENERAL MANAGER
LISA BOGNUDA, ASSISTANT ADMINISTRATOR
DAN MIGLIAZZO, UTILITY SUPERVISOR
JON SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: NipomoCSD.com

October 27, 2005

RECEIVED

OCT 31 2005

EDA

Village at Nipomo LLC
c/o E.F. Moore & Co.
428 Bryant Cir. Ste. 225
Ojai, CA 93023

SUBJECT: INTENT-TO-SERVE WATER AND SEWER SERVICE
APN 092-130-062/020, 555-601 W TEFFT STREET
COMMERCIAL DEVELOPMENT (VILLAGE AT NIPOMO)

This is not a Will-Serve Letter

An Intent-to-Serve (ITS) letter for water and sewer service for APN 092-130-062/020, a commercial development on West Tefft Street in Nipomo is granted from the Nipomo Community Services District (District) with the following conditions:

- Water service for each parcel/building shall be served by a single master meter for indoor uses and a separate meter(s) for landscape irrigation.
- All buildings, existing and new, are required to receive District sewer service.
- On-site fire service (e.g. fire sprinklers) requires a dedicated service lateral. CDF of SLO County must approve the development plans prior to District approval. Fire capacity charges may be applicable.
- Provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement, provide a deposit.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. At the Applicant's expense, a sewer and water master plan review of project impacts may be required by the General Manager.
- Project landscape plan shall incorporate best management water conservation measures and be approved by the General Manager.
- Easements required for water and sewer improvements, which will be dedicated to the District, shall be offered to the District prior to final improvement plan approval.
- A Will-Serve letter for the project will be issued after improvement plans are approved and signed by General Manager.
- Make a non-refundable deposit ("Deposit") at the time the District issues a Will-Serve Letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.

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- Construct the improvements required and submit the following:
 - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
 - Offer of Dedication
 - Engineer's Certification
 - A summary of all water and sewer improvement costs
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and that the District has accepted improvements to be dedicated to the District, if applicable.
- This letter is void if land use is other than commercial.
- Intent-to-Serve letters shall automatically terminate on the first to occur:
 - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
 - Two (2) years. However, applicant shall be entitled to a one-year extension upon proof of reasonable due diligence in processing the project.

This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.

This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael LeBrun

Michael LeBrun
General Manager

c:
Bob Winslow, EDA
1998 Santa Barbara St.
San Luis Obispo, CA 93401

This is not a Will-Serve Letter



5-83

CDF/San Luis Obispo County Fire Department

635 North Santa Rosa Street • San Luis Obispo • California • 93405
Phone: 805-543-4244 • Fax: 805-543-4248

December 20, 2005

County of San Luis Obispo
Department of Planning/Building
County Government Center
San Luis Obispo, CA 93408

RECEIVED

DEC 21 2005

Planning & Bldg

Subject: Village at Nipomo/SUB2005-00135

Dear South County Team,

I have reviewed the conditional use permit application you submitted for the commercial project located at 601 Tefft St., Nipomo. The project is within a high fire severity zone with a 5 minute response time from the nearest County Fire Station. The project and applicant shall comply with the 2001 California Fire Code (CFC), the 2001 California Building Code (CBC), the Public Resources Code (PRC) and any other applicable fire laws.

Roof Coverings:

The roof type will have to be consistent with the requirements of Table 15A of the 2001 CBC and no less than a Class 'B' roof.

Roof Access:

- All buildings over 18 feet in height will have fixed laddering at two exterior remote locations or provide landscaping which reduces the ladder access height to 18 feet. The exception to this requirement is if the building has a protected stairway to the roof.
- Buildings must have a protected stairway access to the roof if the building is over 25 feet in height and the building is over 5,000 square feet in area. The stairwell must be accessible from the exterior of the building and at a location approved by the Fire Department. A permanently attached sign must be posted stating "Roof Access".

Exception: Roof access is not required if the roof has a slope steeper than 4 units vertical and 12 units horizontal (33%).

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Fire Flow Requirements:

Must comply with the requirements outlined in the Water Supply Standard which is available on the website, www.cdfslo.org on the permits page.

Water Supply Connection:

Fire hydrants are to be located as outlined in Appendix III B of the CFC. Plans shall be submitted to the County Fire Department for approval of the distribution system and hydrant locations. Fire hydrants shall have two, 2 ½ inch outlets with National Standard Fire threads and one 4 inch suction outlet with National Standard Fire threads and comply with County Standard W-1. Each hydrant shall be identified by a blue reflective dot located on a non-skid surface located just off of center on the fire hydrant side. Hydrants must be protected from vehicle impact with the use of curbing or bollards.

Fire Protection Systems:

This project will require installing fire sprinkler system in all buildings. The type of sprinklers required will depend on the occupancy type and must comply with NFPA 13. The automatic fire extinguishing system shall comply with the National Fire Protection Association (NFPA) 13, 231, 20, 22. The applicant will have to identify what Hazard Class the project is for review by the fire department (exp. Ordinary Hazard Class II), for each of the buildings in the project. Three sets of plans and calculations shall be submitted for functional review and approval to the County Fire Department. The contractor shall be licensed by the State of California, CFC 1003.1.1. A licensed alarm company shall monitor the fire sprinkler and alarm system. The fire department connection (FDC) supporting the sprinkler systems shall be located within 20 feet of a County standard hydrant and visible on fire engine approach to the building. A letter from the monitoring company shall be submitted to the County Fire Department verifying service.

Technical Report:

A Fire Protection Engineer shall review the Fire Protection Systems for this project (CFC 103.1.1). A list of Fire Protection Engineers is available on our website at <http://www.cdfslo.org>. The Fire Protection Engineer will require that you provide working plans as outlined in NFPA 13, 14.1 (2002). The Fire Protection Engineer will be required to send an original letter of their project review when completed, including all changes needed.

Portable Fire Extinguishers:

Portable fire extinguishers shall be installed in all the occupancies in compliance with the CFC 1002 and Standards 10-1. The contractor shall be licensed by the State Fire Marshal.

Exiting:

All egress and exiting requirements shall comply with the California Building Code to provide egress from the building to the public way.

Commercial Access Road:

- A commercial access road must be 20 feet wide for two way traffic.
- A commercial access road must be 16 feet wide for one way traffic (only allowed in limited circumstances).
- Parking is only allowed where an additional 8 feet of width is added for each side of the road that has parking.
- "No Parking - Fire Lane" signs will be required.
- Fire lanes shall be provided as set forth in the California Fire Code Section 902.
- Fire access shall be provided within 150 feet of the outside building perimeter.
- Must be an all weather non-skid paved surface.

- All roads must be able to support a 20 ton fire engine.
- Vertical clearance of 13'6" is required (See Exhibit 5).

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Knox Box:

- All commercial occupancies shall have a **KNOX Key Box** for fire department access.

Addressing:

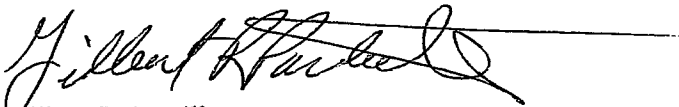
Address numbers must be legible from the roadway and on all buildings. They shall be on a contrasting background and a minimum of 5 inches high with a ½" stroke. All occupancies shall have a distinct address. A monument sign displaying the location of all buildings in the complex must be displayed in a prominent location at the entrance to the facility. CFC 901.4.4.

Fire Safety during Construction:

Prior to construction, an operational water supply system and established access roads must be installed. CFC Section 902 & 903. During construction all applicable Public Resources Codes must be complied with to prevent a wildfire. These will include the use of spark arresters, adequate clearance around welding operations, smoking restrictions and having extinguishers on site. The Industrial Operations Fire Prevention Field Guide will assist the applicant.

If I can provide additional information or assistance on this mater please don't hesitate to contact me at (805)543-4244.

Sincerely,



Gilbert R. Portillo
Fire Inspector

c: Village at Nipomo LLC

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.gov/dist05>

BP

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JAN 30 2006

Planning & Bldg

5-86



*Flex your power!
Be energy efficient!*

January 26, 2006

SLO - 101 PM 4.85

South County Team
County of San Luis Obispo
Department of Planning & Building
County Government Center
San Luis Obispo, CA. 93408

Dear South County Team;

RE: Village at Nipomo Conditional Use Permit – New Project Referral,
CO 01-0351, SUB 2005 - 00135

Caltrans has reviewed the above referenced project and as a result, the following comments were generated.

The U.S. 101/Tefft Street Interchange (I/C) is currently experiencing degraded Levels Of Service (LOS) below LOS "D" for two legs of the interchange during the a.m. peak hour. The northbound movement on the South Frontage Road at Tefft Street is operating at LOS "F" and the left-turn movement onto the U.S. 101 northbound on-ramp is operating at LOS "E".

The recent SLO County memorandum from Public Works (November 8, 2005) that was submitted to the County Planning Department describes the LOS conditions at the I/C adding that; "The worst condition exists at the southbound Highway 101 ramp intersection where queues along South Frontage Road back-up to and beyond the Hill Street intersection." Also, the queue for the left-turn movement for the northbound 101 on-ramp backs up all the way to the west of Mary Street. During the a.m. peak hour it is not uncommon for traffic to have to wait through numerous traffic signal cycles to get through the intersection.

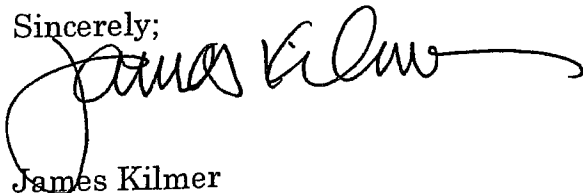
The 11-8-05 memorandum goes on to say that given the high level of traffic congestion at the 101/Tefft Street I/C, all development on the Mesa should be required to prepare an Environmental Impact Report (EIR) as the appropriate level of environmental analysis. Caltrans supports this conclusion. We further suggest that the County Board of Supervisors formally recognize the severity of the LOS problem at 101/Tefft Street I/C and resolve to adopt a Memorandum of Assumption (MOA) that formally declares the LOS problem at 101/Tefft Street I/C. This will

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become of paramount importance when the County and Caltrans formally finalizes the *Purpose and Need Statement* in the environmental document for the Willow Road Extension & Interchange construction project. The Federal Highway Administration (FHWA) will scrutinize the Purpose & Need Statement for the Willow Rd. EIR. They will note and act upon any discrepancies between the county's statements regarding the LOS conditions at 101/Tefft Street and actions such as the selection of the level of environmental analysis imposed upon development on the Mesa. Simply put, if there is no need for the new Willow Road Interchange there can be no justification for building it. There must be a consistency and the MOA is a formal expression of the County's intent to recognize the LOS conditions that will reassure FHWA.

We therefore request of the Lead Agency that a full traffic impact study (TIS) be prepared by a licensed traffic engineer to be included in an EIR for the proposed Village at Nipomo development. The TIS needs to include the following traffic analysis scenarios; *existing conditions, project only conditions, existing + project conditions, cumulative conditions, and cumulative + project conditions (with phasing if applicable)*. The TIS needs to include project specific and cumulative mitigation strategies for traffic impacts on State highway facilities (both U.S. 101 and State Route 1). Please visit the following internet site to access the *Department's Guidelines for the Preparation of Traffic Impact Studies*: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>.

Sincerely;



James Kilmer
District 5
Development Review

c: File, D. Murray, P. McClintic, J. McKrell, T. Houston, D. Ramey SLO County
Public Works

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